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The Law School

Ohio Collection

GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-SEVENTH GENERAL ASSEMBL

OF THE

STATE OF OHIO,

AT ITS FIRST SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY, 1, 1866,

AND

IN THE SIXTY-FOURTH YEAR OF SAID STATE.

VOLUME LXIII.

COLUMBUS:
RICHARD NEVINS, STATE PRINTER.
1866.

OFFICE OF THE SECRETARY OF STATE.

The appendix to the last volume of Laws, containing a list of the statutes amended, repealed or changed since the last revision of the statutes, having received general commendation from members of the Bar, it has been thought advisable to make a similar addition to the present volume.

WM. HENRY SMITH,
Secretary of State.

JAN 31 1924

374443

GENERAL LAWS.

AN ACT

Fixing the times of holding the courts in the ninth judicial district for the year 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the district court in and for the ninth judicial district shall be held at the times following for and during the year 1866, to wit: In the county of Portage, commencing on the third day of April; in the county of Trumbull, on the fifth day of April; in the county of Lake, on the tenth day of April; in the county of Geauga, on the eleventh day of April; in the county of Ashtabula, on the thirteenth day of April; in the county of Stark, on the fourth day of September; in the county of Carroll, on the seventh day of September; in the county of Columbiana, on the tenth day of September; and in the county of Mahoning, on the twelfth day of September.

Times of holding the district court in the ninth judicial district.

SEC. 2. That the court of common pleas in said ninth judicial district during the year 1866 shall be held at the following times, to wit: In the county of Geauga, commencing on the eighth day of January, the sixteenth day of April, and the twentieth day of August; in the county of Lake, on the twenty-second day of January, the thirtieth day of April, and the twenty-fourth day of September; in the county of Ashtabula, on the fifth day of February, the fourteenth day of May, and the fifteenth day of October; in the county of Portage, on the thirtieth day of January, the first day of May, and the twenty-ninth day of October; in the county of Mahoning, on the fifteenth day of January, the sixteenth day of April, and the fifteenth day of October; in the county of Trumbull, on the twelfth day of February, the fourteenth day of May, and the seventeenth day of September; in the county of Carroll, on the ninth day of January, on the twenty-fourth day of April, and on the eighteenth day of September; in the county of Columbiana, on the twenty-second day of January, the seventh day of May, and on the twenty-fourth day of September; in the county of Stark, on the twelfth day of February, the twenty-first day of May, and on the twenty-ninth day of October.

Times of holding the court of common pleas in the ninth judicial district.

SEC. 3. That this act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
HENRY S. MARTIN,
President pro tem. of the Senate.

January 6, 1866.

AN ACT

Fixing the times of holding district courts and courts of common pleas, for the year 1866, in the sixth judicial district of the state of Ohio.

Times of holding courts in the sixth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times of holding the district courts and courts of common pleas in the sixth judicial district of the state of Ohio, for the year 1866, shall be in the counties and at the times following:

DISTRICT COURT.

District court.

Holmes, June 5; Wayne, June 6; Ashland, June 8; Richland, June 9; Morrow, June 13; Delaware, June 14; Knox, June 18; Licking, June 20; Coshocton, June 30.

COURT OF COMMON PLEAS.

Court of common pleas.

Holmes, February 6, May 15, November 6; Wayne, February 20, August 7, November 20; Coshocton, March 12, August 20, December 10; Morrow, February 12, April 23, October 15; Ashland, February 26, July 30, November 5; Richland, March 12, August 13, November 19; Knox, March 20, August 21, and November 13; Licking, February 27, May 1, October 16; Delaware, February 12, April 9, September 24.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 11, 1866.

AN ACT

To change the time fixed for holding the winter term of the court of common pleas in the county of Summit, for the year A.D. 1866.

Time of holding court in Summit county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the fourth judicial district of the state of Ohio for holding the first or winter term of the court of common pleas in the county of Summit, be changed, and that said term of the court of common pleas be held in said county of Summit on the sixth day of February, A.D. 1866.

SEC. 2. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1866.

AN ACT

To amend section one hundred and thirty-eight of the act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts." [S. & C. Statutes, Vol. 1, page 794.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and thirty-eight of the act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, and as amended February 5, 1859, be so amended as to read as follows:

When writ shall be executed.

Section 138. The officer shall, within ten days after receiving the writ, execute the same by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs and make return as upon other executions. If the justice shall receive a notice from the clerk of the court of common pleas, whose duty it is hereby made to issue such certificates, under the seal of said court, that the proceedings have been stayed by the filing of a petition in error, and undertaking required by law, in the court of common pleas, he shall immediately issue his order to the officer executing the writ commanding him to delay all further proceedings upon the execution, and if the premises have been restored to the plaintiff he shall immediately place the defendant in possession thereof, and return the writ with his proceedings and the cost taxed thereon.

Duties of justice of the peace and clerk of court when petition in error is filed.

SEC. 2. That said section one hundred and thirty-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 25, 1866.

AN ACT

To prescribe the times for holding district courts and courts of common pleas in the seventh judicial district of the state of Ohio, for the year 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the district courts for the seventh judicial district of the state of Ohio, for the year 1866, shall be held at the times following, to wit: In the county of Washington, April 12; in the county of Meigs, April 16; in the county of Gallia, April 18; in the county of Lawrence, April 20; in the county of Scioto, April 23; in the county of Pike, April 25; in the county of Perry, September 4; in the county of Fairfield, September 6; in the county of Hocking, September 10; in the county of Athens, September 13; in the county of Vinton, September 17; in the county of Jackson, September 19. The courts of common pleas for the several

Time of holding courts in the seventh judicial district.

counties of said seventh district, shall be held at the times following, to wit: In the first subdivision—Hocking county, February 20, May 15, October 2; Perry county, March 12, May 21, October 15; Fairfield county, March 26, June 4, November 5. Second subdivision—Lawrence county, February 13, May 15, September 25; Vinton county, February 13, May 15, September 25; Jackson county, February 27, May 29, October 16; Pike county, March 13, June 12, October 30; Scioto county, March 20, June 19, November 6. Third subdivision—Gallia county, February 19, May 21, October 1; Meigs county, February 28, May 28, October 8; Washington county, March 16, June 11, October 22; Athens county, April 2, June 25, November 7.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 25, 1866.

AN ACT

To amend section 14 of an act directing the mode of trial in criminal cases, passed March 7th, 1831, as amended by an act passed March 14, 1862. [L. O. Vol. 59, page 26.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the above recited act, passed March 7th, 1831, as amended by said act of March 14th, 1862, be amended so as to read as follows:

Court may assign counsel to persons charged with capital offences.

Section 14. The court before whom any person shall be indicted for an offence which is capital, or punished by imprisonment in the penitentiary, is hereby authorized and required to assign to such person counsel, not exceeding two, if the prisoner has not the ability to procure counsel, and they shall have full access to the prisoner at all reasonable hours; and it shall not be lawful for the county auditor of any county in this State to audit or allow any account, bill or claim hereafter presented by an attorney or counsellor-at-law for services performed under the provisions of this section, until said account, bill or claim shall have been examined and allowed by the county commissioners of the proper county, and the amount so allowed for such services certified by said commissioners: Provided, that no such account, bill or claim shall in any case exceed one hundred dollars.

County auditor not to allow any bill until certified by county commissioners.

SEC. 2. That section fourteen of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Feb. 1st, 1866.

AN ACT

To amend the fifth section of an act prescribing the rates of taxation for state, county, township, city and other purposes, as amended by an act passed April 14, 1863, and further amended by an act passed March 30, 1864, and further amended by an act passed April 7, 1865. [Page 93, Laws Ohio, Vol. 62.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled an act prescribing the rates of taxation for state, county, township, city and other purposes, as amended by an act passed April 14, 1863, and further amended by an act passed March 30, 1864, and further amended by an act passed April 7, 1865, be so amended as to read as follows:

Rate of tax that may be levied for city and village, and for sanitary and street-cleaning purposes.

Section 5. There shall hereafter be levied annually, by the constituted authorities of each incorporated village and city, for village and city purposes, not including taxes for school and school-house purposes, nor for the payment of the interest and the principal of the debts of such village or city, in lieu of the taxes heretofore authorized by law, such rate of taxes as may be determined upon by said authorities respectively, and certified to the county auditor to be necessary, not exceeding the following rates, that is to say: For each incorporated village having a population less than twenty-five hundred inhabitants, two mills and three-tenths, and for sanitary and street-cleaning purposes, one mill; for each incorporated village having a population over twenty-five hundred inhabitants, two mills and five-tenths, and for sanitary and street-cleaning purposes, one mill; for each city of the second class, three mills, and for sanitary and street-cleaning purposes, one mill; and in such cities of the second class using steam or other fire-engines, or having graded wharves or landings for the convenience of trade and travel on navigable waters, or graded or macadamized or paved streets, or city cemeteries, any sum in addition thereto for keeping the same in repair and for the support of the fire department, not exceeding one mill and a half; and when any such city has issued or shall issue bonds or other obligations for the purchase of steam fire-engines, to pay the interest thereon, and provide for the payment of the principal, the further sum not exceeding one mill and a half; for each city of the first class, seven mills, and for sanitary and street-cleaning purposes, one mill; and in all cities and incorporated villages in which gas-works and fixtures or water-works have been or may hereafter be erected, may make a further assessment of not exceeding three-fourths of one mill on the dollar, for aid in lighting and supplying with water such cities and incorporated villages: Provided that the aforesaid limitations shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city or incorporated village, for the purpose of paying the cost thereof and the damages occasioned thereby, or prohibiting any tax authorized by law for special purposes; and all cities and incorporated villages are hereby empowered to anticipate the tax authorized to be levied for sanitary and street-cleaning purposes, either by

—in villages of less than twenty-five hundred inhabitants.

—in villages of over twenty-five hundred inhabitants.

—in cities of second class.

—in cities of first class.

Further assessment may be made in cities having gas or water-works.

Transfer of funds or temporary loans.

the temporary transfer of other funds (except the school fund), or by temporary loans made for that purpose.

SEC. 2. That said section five as amended by the act passed April 7, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

WM. STANTON,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

Passed Feb. 7, 1866.

AN ACT

To provide for the punishment of injury done to periodicals in reading rooms.

Penalty for defacing or destroying newspapers, magazines, &c., belonging to libraries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall intentionally deface, obliterate, tear or destroy in whole or in part, any newspaper, magazine or periodical on file in any reading room belonging to the state, or any library or other association in this state, or shall cut therefrom any article or advertisement, such person shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, or be imprisoned in the county jail not exceeding thirty days, or both of said punishments at the discretion of the court.

SEC. 2. This act shall take effect on its passage.

WM. STANTON,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 7, 1866.

AN ACT

Making partial appropriations for the year 1866.

Partial appropriations for—

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and is hereby appropriated, from any money in the treasury belonging to the general revenue, for the purposes hereinafter named, the following sums:

Stationery. For stationery, including printing paper and other articles necessary for the general assembly, twenty thousand dollars.

Binding. For binding, thirty thousand dollars.

Fuel. For fuel for warming the state house, three thousand dollars.

Gas. For gas for lighting the state house, one thousand dollars.

Central Lunatic asylum. For provisions and necessary current expenses of the central lunatic asylum, five thousand dollars.

For provisions and necessary current expenses of the blind asylum, five thousand dollars. Blind Asylum.

For provisions and necessary current expenses of the asylum for idiots, three thousand dollars. Asylum for idiots.

For provisions and necessary current expenses of the southern lunatic asylum, three thousand dollars. Southern Lunatic Asylum.

For expenses of the trustees of the benevolent institutions of the state, five hundred dollars. Trustees of Benevolent Institutions.

For the payment of the messenger of the supreme court, three hundred dollars. Messenger of Supreme C't.

For the payment of the crier of the supreme court, three hundred dollars. Crier of Supreme Court.

For the payment of the clerks in the treasurer of state's office, one thousand dollars. Clerks in Trea's office.

For the governor's civil contingent fund, one thousand dollars. Governor's civil contingent fund.

For the payment of the contingent expenses of the different officers and departments of the state government, to be audited by the state auditor, and paid in conformity to law, two thousand dollars. Contingent expenses of State officers.

For the payment of the clerks of the bureau of military statistics, six hundred dollars. Clerks in Bureau of Mil. Stat'cs.

For the payment of the clerks in the adjutant general's office, fifteen hundred dollars. Clerks in Adj. Gen's office.

For the payment of the expenses of the distribution of the laws and journals, five hundred dollars. Distribution of laws and ournals.

To pay J. D. Osborn & Co., for carpeting for attorney general's office, and matting for office of commissioner of soldiers' claims, and putting same down, $402.70; and R. Jones for painting attorney general's office, $175.00; and the "Columbus Cabinet Co.," chairs, desks, &c., for commissioner of soldiers' claims' office, $26.75; and W. Newberry for repairs to attorney general's office, $24.00, furnished and done by order of the secretary of state in pursuance of the joint resolution of the general assembly of April 13, 1865, amounting in all to the sum of six hundred and twenty-eight dollars and forty five cents. Carpeting Attorney General's office, &c.

For the payment of the lieutenant governor, members of the general assembly, their clerks and assistants, sergeants-at-arms and their assistants, and messengers, under laws and resolutions of the senate and house, twenty-five thousand dollars. Officers and members of General Assembly.

To pay expenses incurred under the direction of the joint committee of the senate and house of representatives, at the inauguration of the Governor, January 8, 1866, seventy seven dollars. Expenses at inauguration of Governor.

To pay for articles purchased by the sergeant-at-arms for wash-room of house, five dollars.

For the payment of the cost of printing for the state, ten thousand dollars. Printing.

For the purchase of school furniture, school apparatus, beds and bedding, for the deaf and dumb asylum, the sum of four thousand dollars. Deaf and Dumb Asylum.

To pay the judgment and costs awarded in the supreme court, in the case of the treasurer of Belmont county against Paying costs, &c.

the auditor of state, two thousand eight hundred and forty dollars and ninety-two cents; to pay the costs adjudged in the supreme court, in the case of O. M. Langdon and others against the auditor of state, nine dollars and sixty-five cents; to pay the costs adjudged in the supreme court, in the case of the treasurer of Athens county against the auditor of state, eight dollars and eighty cents.

Transfer of unexpended balance for payment of claims.

SEC. 2. The snm of seventy-one thousand four hundred and ninety-nine dollars and fourteen cents, balance of the sum of one hundred thousand dollars transferred by the auditor of state from general revenue, and appropriated to the payment of claims allowed, or to be allowed, under the act of May 1, 1862, (59th O. L., page 102,) and yet remaining unexpended, is hereby ordered to be transferred to, and applied to the payment of claims allowed, or to be allowed, as well under said act of May 1, 1862, as also to claims allowed, or to be allowed, under the act of March 31, A. D. 1864, (61st O. L., page 108,) and the act of April 11, 1865 (62d O. L., page 121).

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 10, 1866.

AN ACT

To authorize the making of indexes in civil actions pending.

Indexes of civil actions may be made in counties of 200,000 inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county having a population of two hundred thousand inhabitants at the last federal census, be and they are hereby authorized to contract with the clerk of the courts of such county, for the making in the several courts, of indexes, direct and reverse, of each party plaintiff and defendant to all civil actions pending at the date of such contract, which shall have been brought one year or more; such index shall contain in proper columns the number of each action and the number of the appearance docket in which it is to be found.

Commissioners may bargain for payment for indexing.

SEC. 2. That the said county commissioners may bargain for the payment of such sum as they shall deem reasonable and proper, not exceeding, however, fifteen cents for each action so indexed.

SEC. 3. After such index shall have been made, it shall be the duty of said clerk and of his successors in office, to make from time to time, as final judgments are rendered in any of the actions so indexed, entry thereof in said indexes.

SEC. 4. That said county commissioners, if in their opinion the public interest requires it, may cause, at intervals of not less than five years, new indexes to be made in manner above provided. When new indexes may be made.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 13, 1866.

AN ACT

To amend section one of an act entitled "an act to authorize the establishment of lines of true meridian in the several counties of the State of Ohio." [Swan & Critchfield, page 857.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act shall be so amended as to read as follows:

Section 1. That the commissioners of each and every county in the state of Ohio be and are hereby required, where the same has not been done, to employ some suitable person of competent skill to establish, at or near the county seat of each county, respectively, lines not less than forty rods or perches in length, corresponding with the true meridian of the place to be determined by observation of the transit of the polar star, or of its greatest elongation, to be rectified by observations of the sun's amplitude. County commissioners may employ a competent person to establish lines of true meridian.

SEC. 2. That section 1 of the above recited act is hereby repealed.

SEC. 3. This act to be in force from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 13, 1866.

AN ACT

To amend section two of an act passed April 13, 1865, entitled "an act to amend section two of an act passed March 4, 1864, entitled an act to amend an act entitled an act to amend section one of an act entitled an act regulating the payment of costs in prosecutions for minor offenses," passed April 16, 1862, and also to amend an act entitled "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837. [Laws of 1865, p. 178.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act be so amended as to read as follows:

Section 2. That the county commissioners in each county of the state shall, at each of their quarterly sessions, make

When county commissioners may make allowance of fees to officers for services in criminal cases.

an allowance to such constable, marshal, justice of the peace, police judge or mayor in such county, for services in criminal cases, where the fees are not paid by the state of Ohio out of the state treasury, equal to their respective fees now provided by law in such cases, which may be uncollectable, but such allowance shall not exceed one hundred dollars for any one year: Provided, however, that nothing in this act shall prevent the payment of any necessary expenses incurred by any officer in pursuit of accused persons who shall have fled the county, when the same shall, with other fees, exceed such allowance; nor in any case more than the legal fees to which such officer is now entitled by law; and provided, further, that all fees taxed for the benefit of any of the aforesaid officers, which shall be collected and paid into the county treasury, shall be paid over to the officer entitled thereto, on the warrant of the county auditor, unless the same has been previously allowed and paid to them by order of the commissioners.

SEC. 2. Said section two is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 13, 1866.

AN ACT

To provide for redeeming the bills of the Seneca County Bank.

WHEREAS, On the first day of March, 1857, when the Seneca county bank failed, it had bonds deposited with the treasurer of this state, as security for its circulating notes, amounting to the sum of two hundred and nine thousand six hundred and forty-eight dollars, of which bonds the sum of one hundred and three thousand dollars was, without authority of law, appropriated to the use of the state, and to that amount, and the interest thereon, the state was indebted to said bank, and to the holders of its bills; and

WHEREAS, The state did redeem the bills of said bank at par, to the amount of one hundred thousand eight hundred and seventy-nine dollars; and

WHEREAS, There were afterwards deposited with the receivers of said bank, bills of the same, amounting to the sum of fifty-four thousand eight hundred and forty-eight dollars, for which certificates were issued by said receivers, and the bills represented thereby deposited in the treasury of this state, leaving still an uncertain amount of notes of said bank outstanding, estimated not to exceed ten thousand dollars; and

WHEREAS, By virtue of an act passed March 31, 1864, entitled "an act to provide for redeeming the bills of the Seneca county bank," fifty-five thousand four hundred and

sixty-six dollars and twenty-one cents of said certificates and bills were redeemed at the treasury—a further redemption of said certificates and bills, after July 1st, 1865, being estopped by the provisions of said act, leaving a balance of said certificates and bills unredeemed to an amount not exceeding ten thousand dollars; and

WHEREAS, The payment now, by the state, of said certificates and bills, without interest, will only give the holders thereof the fair equivalent of their pro rata share of the securties of said bank appropriated by the state to its own use. Therefore,

Treasurer of state required to pay certificates and redeem bills.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of state is authorized and required to pay the certificates issued by the receivers of the Seneca county bank, and to redeem the outstanding bills of said bank, as hereinafter provided.

Oath required.

SEC. 2. Before any certificate shall be paid, the owner thereof, his agent, executor, or administrator, shall make and subscribe an oath, in due form of law, that the claimant was the bona fide owner and holder thereof, on the first day of July, 1865; whether the bills, for which the same was given, were received at par or at a discount, and if at a discount, the true amount thereof; if the claimant is not the person or persons to whom the certificate was issued, then when, at what rate of discount, and from whom the same was purchased, and how much was paid therefor. Before any bill or bills shall be redeemed, affidavit shall in like manner be made, that the claimant was the bona fide owner and holder thereof on the first day of July, 1865; whether said bill (or bills) was received at par or at a discount, and if at a discount, at what rates, and how much was paid therefor. Each affidavit, whether relating to certificates or bills, shall also state that the claimant is not, directly or indirectly, indebted to said bank; that he never was an officer of, stockholder in, or agent for, said bank, and that no such officer, stockholder, agent, or other person or persons, has, directly or indirectly, any interest in, or expectation from, said certificates or bills.

Treasurer of state may refuse to pay.

SEC. 3. The treasurer of state, unless satisfied the claimant is the bona fide owner of the certificate, bill or bills presented, or that the rate of discount or the sum paid therefor is truly stated, or that no officer or stockholder of said bank, or person indebted thereto, is interested therein, may refuse to pay or redeem the same. Upon such refusal, the claimant may appeal to the auditor of state, and his decision shall be final. In paying said certificates and redeeming said bills, the treasurer shall make the same discount from the face thereof as was made on the bills for which the certificate was given, or on the certificate paid or bills redeemed in receiving or purchasing the same, and no interest shall be paid on the certificates or bills, or the amount paid for the same. The treasurer shall take receipts of the claimant, on each certificate paid, and upon each affidavit for bills redeemed, showing the exact sum paid therefor, and shall charge the same to the appropriation hereby made. At the monthly examina-

Duty of treasurer of state.

Auditor of state to examine certificates,

tion of the treasury, the auditor of state shall carefully examine the certificates paid, and bills redeemed during the preceding month, and compare the same with the treasurer's account. If found correct, the auditor shall draw his warrant on the treasurer therefor, stating for what drawn, whether certificates or bills, and the amount of each, and the auditor shall immediately cancel the certificates and burn the bills to ashes in the presence of the treasurer.

—and cancel certificates and burn bills.

SEC. 4. No greater amount of certificates shall be paid than the amount of bills now deposited in the treasury therefor.

Disposal of funds received from assets, &c.

SEC. 5. Any amount that may hereafter be recovered or received from the assets, debtors, officers or stockholders of said bank, in any manner or form, shall be certified into the treasury to the credit of the general revenue, discharged from all claims from the bill holders or other creditors of said bank.

Proceeding when certificates have been destroyed.

SEC. 6. When any certificate issued by the receiver of said Seneca county bank, shall have been destroyed, by fire or other casualty, the owners thereof shall, in addition to the oath required by the second section of this act, also swear to the loss, stating when destroyed or lost, and the manner thereof, and shall also furnish such other evidence of the loss as may be required by the treasurer of state; but in no case shall any certificate, claimed to have been lost, be paid unless the stub of the certificate shows that the certificate, as claimed, has been issued, and the treasurer, if satisfied that such certificate has been lost or destroyed, and of the truth of the other statements required by said section number two, the treasurer of state is authorized to pay the owner of said lost certificate the amount due thereon, as provided in section three of this act, on the claimant giving a bond payable to the state of Ohio, for not less than one hundred dollars in any case, and for not less than double the amount of such certificate, conditioned to indemnify and save the state harmless from the repayment of such certificate.

Appropriation.

SEC. 7. There is hereby appropriated, as a special fund to pay and redeem said certificates and bills, from the general revenue, the sum of ten thousand dollars, to be paid in the manner provided in this act.

Notice to be published.

SEC. 8. Immediately after the passage of this act, the treasurer of state shall cause a notice to be published in one newspaper in the city of Cincinnati, one in Columbus, one in Cleveland, and one in Seneca county, for the period of three weeks, that he will pay the certificates and redeem the bills at the treasury, agreeably to the provisions of this act.

SEC. 9. All acts and parts of acts heretofore existing relative to the redemption of certificates and bills of said Seneca county bank, and inconsistent with the provisions of this act, are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 16, 1866.

AN ACT

To amend section one of "an act to authorize cities of the first and second class to levy tax for school purposes," passed March 25, 1864. (S. & C., page 63, vol. 61, O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above-recited act be so amended as to read as follows:

Estimated tax for school purposes in cities of first and second class.

Section 1. That in cities of the first class, having a population exceeding one hundred thousand inhabitants, the trustees and visitors of common schools shall, on or before the second Monday of May, annually, cause to be certified to the city council an estimate of the amount necessary to be raised in said city for school purposes, not exceeding two and one-half mills on the dollar upon all the property in said city, valued or appraised, and liable and subject to taxation for state and county purposes, corporations, school-house and school taxes; and the city council shall certify the said amount so to be raised to the county auditor, who is hereby authorized and directed to place the same on the duplicate of taxes for said county, in the same manner as township taxes now by law are placed on such duplicate; which said school taxes shall be collected by the county treasurer of said county, and by him paid into the city treasury, on the order of the county auditor, on or before the first Mondays of January and July in each year.

SEC. 2. This act shall take effect and be in force from and after its passage, and the original section one of the above-recited act is hereby repealed.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 16, 1866.

AN ACT

To provide additional security to creditors of counties, townships, and municipal corporations.

Issue of peremptory mandamus against county commissioners or trustees of township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case the supreme court of this state, or any other court having lawful power and jurisdiction, shall have awarded or ordered, or may hereafter order or award a writ or writs of peremptory mandamus against the county commissioners of any county, or the trustees or board of education of any township, or the city council of any city, or the trustees, managers or officers of any municipal corporation within this state, commanding them, or either of them, to levy and assess such taxes as may be required by law for the purpose of paying the interest on the debt upon which such peremptory mandamus shall have been awarded, or for the purpose of creating a sinking fund for the gradual extinguish-

ment of the funded debt of such county, township, city or municipal corporation, and such county, township or municipal officers shall have resigned, or shall hereafter resign or vacate their said offices, and neglect or refuse to levy and assess the said taxes, at the time fixed by law for the annual levy and assessment thereof; or in case such county, township or municipal corporation shall hereafter, from any cause, be without a lawful local board or body corporate to levy said taxes, and the same shall not be levied annually at the time fixed by law, the supreme court, or any other court of this state which may have awarded and ordered said writ or writs of peremptory mandamus, upon the motion of any party interested, and upon being satisfied of the facts of such resignation or vacancy, and the neglect to levy said taxes, and of the right of any party to have said taxes levied and assessed, may cause a special order to be issued to the auditor of the proper county, commanding him to levy and assess upon the taxable property of the county, township or municipal corporation, as the case may be, the taxes required by law, or by the judgment or order of said court, to be levied and assessed for the purposes aforesaid, and to place the same upon the tax duplicate for collection by the county treasurer.

When court may cause a special order to be issued.

Duty of county auditor.

SEC. 2. Whenever the special order named in the preceding section shall be issued to the auditor of any county, such auditor shall be responsible for the execution of such order in the same manner as if he were an officer of said court; and he shall receive such fees for his services in executing it, if not otherwise fixed by the court, as he may be allowed by law for making tax duplicates, which fees, and all other costs of the proceeding, he shall add to the taxes levied in executing such order, and place the same upon the duplicate for collection with said taxes.

SEC. 3. This act shall not be construed by any court of this state so as to limit its jurisdiction and powers in carrying its judgments or orders into execution, or in punishing any of the officers named in the first section, for contempt or disobedience of its orders or writs.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 16, 1866.

AN ACT

To prevent kidnapping in this state, and to repeal "an act to prevent illegal arrests in this state," passed April 9, 1863 (Ohio Laws, vol. 60, page 72), and to repeal "an act to prevent kidnapping," passed April 17, 1857, (Swan & Critchfield's Statutes, page 418).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons who shall kidnap,

or forcibly or fraudulently carry off, or decoy out of this state, any person or persons, or shall arrest and imprison any person or persons with the intention of having such person or persons carried out of this state, unless it be in pursuance of the laws thereof, or in pursuance of the laws of the United States, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be confined in the penitentiary at hard labor for any space of time, not less than three nor more than eight years, at the discretion of the court, and shall, moreover, be liable for the costs of prosecution. Penalty for kidnapping.

SEC. 2. That the act entitled "an act to prevent illegal arrests in this state," passed April 9, 1863, be and the same is hereby repealed.

SEC. 3. That the act entitled "an act to prevent kidnapping," passed April 17, 1857, be and the same is hereby repealed.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 16, 1866.

AN ACT

To amend section three hundred and fourteen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853. [S. & C., 1037.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and fourteen of an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853 be so amended as to read as follows:

Section 314. The following persons shall be incompetent to testify: 1st. Persons who are of unsound mind at the time of their production for examination. 2d. Children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly. 3d. Husband and wife, for or against each other, or concerning any communication made by one to the other during coverture, whether called as a witness while that relation subsists or afterwards, except in actions where the wife, were she a *feme sole*, would be plaintiff or defendant, in which action the wife may testify. Either the husband or wife may testify, but not both. 4th. An attorney concerning any communication made to him by his client in that relation, or his advice thereon, without the client's consent. 5th. A clergyman or priest, concerning any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs, without the consent of the person making the confession. 6th. No person who would, if a party, be incompetent to testify under the provisions of section three hundred and Who shall be competent to testify.

thirteen, shall become competent by reason of an assignment of his claim. 7th. Nor shall any person who would be incompetent to testify under the provisions of said section, in an action between himself and any party named therein, become competent by reason of the sale or transfer of any property by said executor, administrator, guardian, trustee, heir or devisee concerning which property said action is brought, or in which action the title to the same is involved.

SEC. 2. That said section three hundred and fourteen be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 16, 1866.

AN ACT

Supplementary to an act entitled an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed March 11th, 1853, and the act amendatory thereof, passed April 29th, 1854. (S. & C., page 1527.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class having, not exceeding fourteen thousand inhabitants at the last federal census, shall have the power to improve by deepening, dredging out or removing obstructions from any natural water course within the limits of said city, and to assess the expense thereof by an ordinance prescribing the manner, upon the lots and lands abutting upon the said stream, or upon the part of the same to be improved, either by the foot front, or according to the valuation on the duplicate for taxation, or according to the benefit which each lot or piece of land shall receive from said improvement, which assessment, when made and confirmed by the council, shall be a lien upon the lots or lands so assessed, and shall be collected in the same manner now provided, or which may be provided by law for the collection of assessments for the improvements of streets, except in the discretion of the council, said assessment may be made payable in installments at fixed times, not to exceed five years; provided, that, unless said improvement shall be petitioned for by more than one-half in extent of the lots or lands to be affected thereby, any ordinance ordering the same shall be passed by two-thirds of the members elected to said council.

Water courses within certain cities of second class may be improved.

SEC. 2. If, in the opinion of the city council, justice and equity shall require it, any such water course to be improved, may, by the ordinance ordering the improvement of the same, be divided into sections, and the expense of the improvement of each section be assessed upon the lots and lands abutting thereon.

May be divided into sections.

SEC. 3. If the council shall determine to assess the expense of any such improvement according to benefits, as aforesaid, it shall cause to be made an estimate of the expense of the improvement, and shall appoint three disinterested freeholders of said city as commissioners, who shall divide and apportion said estimated expense upon the lots and lands abutting upon said improvement in proportion to the benefits that each will derive from the making of the same, and shall report the same to the council in writing. Upon the filing of such report, the city clerk shall give notice of the same and of the time when the city council proposes to act on the same, in some newspaper published in said city, which notice shall be published for the period of twenty days, and at any time during said twenty days any person interested in the property to be affected by said assessment, may file with said clerk exceptions in writing to said report. At the time mentioned in said notice, the council shall take up said report, and if exceptions have been filed, the council shall hear the same, and any testimony which may be offered by parties interested, and may, as equity shall require, either confirm the same or change and amend the same, if, in their opinion, the report makes any unequal apportionment, not altering the aggregate amount thereof, and confirm the report so amended; but, during these proceedings, contracts may be let in the usual manner and the work proceeded with. If, after the completion of the work, the expense shall be found to be more than the said estimate, the excess shall be apportioned, or if found to be less than the said estimate, deduction shall be made in proportion to the amount apportioned by said report as confirmed by council.

Expense to be assessed on property according to benefits derived.

City clerk must give notice of assessment.

Exceptions may be heard by council.

SEC. 4. If, in the opinion of the city council, the interest of the city at large would be subserved by the improvement of such water course, or if, on account of sewerage or drainage of streets, obstructions to said water course have been or are likely to be created, the city council may assume and pay for such proportion of the expense of such improvement as it shall adjudge to be equitable, and said council shall have power to issue bonds of the city payable within five years, with interest not exceeding six per cent. per annum, for the part of the expense of said improvement so assumed by the city, or it may issue the bonds of said city for the whole of said expense, in which latter case the amount of said improvement shall be held and collected by the city, and when collected shall be applied in liquidation of said bonds.

City at large may assume part of expense.

City council may issue bonds.

SEC. 5. This act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

AN ACT

Authorizing the removal of convicts confined in the penitentiary for trial on other indictments found, to the county where found.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any convict now or hereafter imprisoned in the penitentiary of this state under sentence for the commission of any crime, punishable under the laws of this state by imprisonment therein, and who is now or hereafter shall be indicted by any grand jury of the state of Ohio for murder in the first degree, may be removed to the county wherein said indictment is pending, or shall have been found, for trial thereon.

Convict may be removed to county where indictment is pending.

SEC. 2. Such removal shall be upon the warrant of the court in which said indictment is, or shall be, pending; the warrant shall be in the ordinary form for the arrest of persons indicted for crime, except that it shall set forth that the accused is imprisoned in the penitentiary of Ohio, under and by authority of the laws thereof, but it shall not be necessary to set forth in said warrant any description of the offense for which said convict is, or may be, so imprisoned; said warrant shall be addressed to the sheriff of the county in which said indictment may be found, and a copy thereof, with the indorsement, shall be by him deposited with the warden of the penitentiary, who shall thereupon deliver the convict in said warrant named into the hands of the said sheriff, who shall thereupon convey said convict to the county wherein the said indictment may be pending, and commit him to the jail of said county, for trial upon said indictment as in the case of defendants indicted and committed for trial in default of bail; provided, nevertheless, that before a copy of said warrant shall be deposited with the warden of the penitentiary, as aforesaid, said warrant shall be presented to the governor of the state of Ohio for his approval and indorsement, and the governor may, if he be satisfied that said convict ought not to be removed from the penitentiary for trial, as aforesaid, refuse to approve and indorse said warrant, and without said approval and indorsement the warden shall not deliver the convict therein named to be removed for trial, as aforesaid.

Form of warrant.

Duties of sheriff and warden of penitentiary.

Warrant must be approved by governor.

SEC. 3. In every case where a convict shall be removed from the penitentiary for trial according to the provisions of this act, said convict shall be securely kept in the jail of the county to which said convict shall have been removed, subject only to be taken into court for trial, and if acquitted, said convict shall be, by the sheriff of said county, forthwith returned to the penitentiary, there to serve out the remainder of his term; but, if said convict be convicted, and the offense be punishable by imprisonment in the penitentiary, he shall be retained until after sentence, and his term of imprisonment thereupon shall begin to run from and after the expiration of the sentence under which he was imprisoned at the time of his removal from the penitentiary for trial, as aforesaid; and if said convict be convicted upon trial, as aforesaid, of any crime, the punishment whereof is death, the

Convict to be securely kept by sheriff.

Disposition of convict after trial.

court may proceed to sentence and execution thereof, as if said convict were not under sentence of imprisonment in the penitentiary, as aforesaid.

SEC. 4. In all cases arising under this act where there shall be a continuance of the case from one term of the court to another, or where a writ of error shall be prosecuted and suspension of execution ordered, the court may, in its discretion, order said convict to be returned to the penitentiary for safe keeping until further proceedings in said cause by said court, and in case the court shall so order said convict to be returned to the penitentiary, a certified copy of the order shall be delivered with the prisoner to the warden, who shall deliver the prisoner to the sheriff again upon the order of the court, certified as aforesaid.

When convict may be returned to penitentiary for safe keeping.

SEC. 5. No convict imprisoned in the penitentiary for life shall, by virtue of the provisions of this act, be removed therefrom for trial upon any charge of crime, the punishment whereof is imprisonment in the penitentiary.

SEC. 6. Sheriffs shall receive as fees for services performed under this act the same fees as are by law allowed to them for conducting convicts to the penitentiary.

Sheriffs' fees.

SEC. 7. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

AN ACT

To amend an act to prevent the killing of wild deer, passed March 31, 1864. [Vol. 61, page 107, Laws of Ohio.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of an act to prevent the killing of wild deer, passed March the 31st, 1864, be so amended as to read as follows:

Section 1. That it shall be unlawful for any person at any time before the first day of October, and after the first day of January, to catch, kill, or destroy, or to pursue with such intent, any wild deer, or to have in possession, or to expose to sale any of said game mentioned in this act during the season when the killing, injuring or pursuing of the same is herein prohibited.

When unlawful to kill wild deer.

Section 2. Any person offending against the provisions of this act, shall, on conviction, be fined in any sum not less than thirty dollars, nor more than sixty dollars, or imprisoned in the county jail not less than ten, nor more than thirty days, or both, at the discretion of the court, for each offense, with the costs of prosecution.

Penalty.

SEC. 3. All prosecutions under this act shall be in the name of the state of Ohio before any justice of the peace or other officer, or other court having jurisdiction, and all fines

imposed or collected in such cases shall be paid into the county treasury for the benefit of common schools.

SEC. 4. That sections one and two of the above act to prevent the killing of wild deer, passed March 31st, 1864, be and the same are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

AN ACT

To amend an act entitled "an act concerning the enacting and repealing of statutes," passed April 8th, 1856. [53 Ohio Laws, 153; 1 Swan & Critchfield, 60.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of the act of April 8th, 1856, entitled "an act concerning the enacting and repealing of statutes," be so amended as to read as follows:

Repeal of statutes not to affect pending suits.

Section 2. That whenever a statute is repealed or amended, such repeal or amendment shall in no manner affect pending actions, prosecutions, or proceedings, civil or criminal; nor causes of such action, prosecution, or proceeding, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing act.

SEC. 2. Said original section two is hereby repealed; and this act shall take effect and be in force from and after its passage; and the repeal of said section two shall not in any manner affect any action or cause of action whatever.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

AN ACT

To amend an act entitled "an act to amend section four of an act entitled an act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages," passed April 13, 1865. [General Laws, vol. 62, page 176.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourth section of the said original act, as amended by said amendatory act, passed April 13, 1865, be and is hereby amended so as to read as follows:

Section 4. That where it shall be deemed necessary by any municipal corporation, to improve any street, alley, or public highway, or any part thereof, within the limits of such corporation, by grading, paving, draining or other improve-

ments, and for the purpose of defraying the expense thereof, to assess and collect a charge or tax on the owner or owners of any lots or lands, or on the lots or lands, by or through which such street, alley or public highway, or the part thereof to be improved shall pass, it shall be lawful for such municipal corporation to enumerate as a part of the legitimate expense of such grading, paving, draining or other improvement, the damages that will be occasioned to any owner or owners of any lots or lands, bounding or abutting upon such street, alley or public highway, or part thereof, in consequence of such proposed improvement, to be ascertained as hereinafter provided; and it shall be the duty of such municipal corporation to require their clerk to publish notice of their determination to grade, pave, drain, or otherwise improve such street, alley, or public highway, or the part thereof to be improved, for four consecutive weeks in some newspaper of general circulation in such city or village, briefly describing the character of such improvement, and any owner or owners of lots or lands bounding or abutting on such street proposed to be improved, claiming damages therefor, shall be required to file such claim in writing with the clerk of said corporation, setting forth the amount of damages by him, her or them claimed, within two weeks after the expiration of the time required for the publication of said notice, and all such owners as shall fail or neglect to file their claims for damages as aforesaid within the time aforesaid, shall be taken and deemed to have waived the same and be forever barred from filing any claim for, or the receiving of any damages therefor; and it shall be the duty of the mayor of such corporation, where claims for damages as aforesaid are filed with the clerk of such corporation within the time aforesaid, to make written application to the probate judge of the county within which such city or village is situated, to summon a jury of twelve disinterested freeholders, resident within such city or village, to assess the amount of damages in each particular case where claims have been filed as aforesaid; and it is hereby made the duty of such probate judge to direct the summoning of a jury as aforesaid, in the same manner as juries of the probate court are usually summoned, and fix the time and place for the inquiry and assessment of such damages. The jury shall be sworn to inquire and assess the actual damages in each case separately, under such rules and instructions as shall be given them by the court, and when the jury cannot agree they may be discharged in the discretion of the court, and a new jury summoned which shall be sworn as aforesaid, but in no case where said jury do not agree shall they be allowed fees, (the finding of the jury shall be final, from which there shall be no appeal), and it shall be the further duty of the court to furnish the amount of damages and costs in each case to the clerk of such corporation, on application, except in cases in which the jury shall find no damages; in all such cases the costs of the inquiry shall be taxed against the claimant, and recoverable on execution, which said amount of damages, and the costs consequent thereon so found as aforesaid, it shall be lawful for such council to add to the estimated amount of the expense of such grading, paving,

Damages to property by street improvements must be enumerated as part of legitimate expense.

Public notice required.

Persons claiming damages must file clerk.

A jury of disinterested freehol to assess damages.

draining or other improvement proposed to be made on such street, alley or public highway, or the part thereof to be so improved, or the damages and costs so found, if the equity of the case, in the opinion of the council, demands it, may be assessed on all the lots or lands bounding or abutting on the whole street, alley or public highway, or on the owners thereof, and the estimated expenses of the improvement, except such damages and costs, shall be assessed on that portion of the street, alley or public highway to be improved, and the said council may, as soon as practicable, by ordnance, levy and assess a tax to defray all expenses consequent on such improvement, on the owner or owners of lots or lands, or on the lot or lands by or through which such street, alley or public highway shall pass, according to the true intent and meaning of this section, either by the foot front of the lots or lands bounding or abutting thereon, or according to the value of such lots or lands as assessed for taxation under the general law of the state, as the said council may in each case determine, and in all cases where the street, alley or public highway, or any portion thereof so to be graded, paved, drained or improved, shall pass by or through any public wharves, market spaces, parks or public grounds, within the limits of such corporation, the council of said municipal corporation may, if deemed advisable, levy and assess a tax for the proper proportion of the estimated cost of such improvement authorized by this section upon the general duplicate of all the real and personal property subject to taxation within the limits of said corporation, which levy and assessment shall be by the recorder of said corporation duly certified to the auditor of the proper county, and by the auditor charged in said duplicate against said taxable property and collected as other taxes; and all taxes thus entered upon the duplicate of said county shall, upon collection thereof, be paid over to the treasurer of said corporation, and shall be applied by the council thereof only for the purposes of such improvements: provided, that in no case shall the tax levied and assessed upon any lots or lands for any improvement authorized by this section, amount to more than fifty per centum of the value of said lot or land, to be estimated after the said improvement has been made, and all the cost of the said improvement exceeding the said per centum that would otherwise be chargeable on said lot or land, shall be paid by the municipal corporation out of its general revenue: provided further, that none of the provisions of this section shall apply to the repair of sidewalks except as hereinafter provided, but such sidewalks shall be repaired as follows: The board of city improvements or council of any municipal corporation, where no board of public improvement exists, shall declare by resolution that certain specified sidewalks need repairing; the mayor of such municipal corporation shall cause a notice to be served upon the owner or owners or agent thereof of the property bounding or abutting on such sidewalks of the passage of such resolution, and if such sidewalk is not repaired within ten days from such service of such notice, the board of city improvements or council is hereby authorized to have the same done at the expense of the owner

Council may assess tax to defray expenses.

Limitation.

or owners thereof, and the same shall constitute a lien upon the property bounding or abutting thereon, and shall be collected in the same manner and with like penalty and interest after demand and non-payment as in other cases of street improvement: provided further, that in all cases where it shall be deemed necessary by such municipal corporation to build or repair sidewalks along that portion of any street, alley or public highway which passes by or through any public wharves, market spaces, parks or public grounds, the proper proportion of the estimated expense thereof may be by the council of any municipal corporation levied, assessed, certified and collected in the same manner as is herein provided for the levy, assessment and collection of taxes for other street improvements on streets, alleys or public highways passing by or through such public wharves, market spaces, parks or public grounds.

Sidewalks—how repaired.

SEC. 2. That whenever any municipal corporation shall order any public improvement to be made, the expense whereof is chargeable upon the lands, lots or parts of lots adjoining or adjacent thereto, it shall be lawful to include in such expense, not only the cost of such improvement and the damages occasioned thereby, as prescribed by the act to which this is supplementary, but also the cost of publishing the ordinance or ordinances directing such improvement or improvements, that of the preliminary or other surveys, and that of publishing all notices required by law connected therewith, including the notice of the assessment or assessments; and if the owner or owners of any lot or lots, or parts of lots or lands, against which any tax for any such improvement or improvements may be assessed shall neglect to pay the same until the same is certified to the county auditor to be put upon the tax duplicate, it shall be and is hereby made the duty of said auditor to add eight per cent. penalty to said tax, to cover the interest and expense of collection of said tax, which tax and penalty shall be collected as in other cases: provided, that no liabilities incurred under the act to which this act is amendatory and supplementary shall he affected by the repeal of said act.

All expenses to be included.

SEC. 3. This act shall take effect from and after its passage, and the original section four, as amended in the act above recited, is hereby repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 21, 1866.

AN ACT

To amend the third section of the act passed May 1st, 1854, entitled "an act supplementary to the act entitled 'an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853, and to amend said act as amended February 20, 1864.'"

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act entitled "an act supplementary to an act defining the jurisdiction and regulating the practice of probate courts, passed May 1st, 1854, as amended February 20, 1864," be so amended as to read as follows:

Appeals may be taken from decision of probate court to court of common pleas.

Section 3. That appeals may be taken from any order, decision or decree of the probate court in settling the accounts of an executor, administrator, or guardian, in proceedings for the sale of real estate for the payment of debts; in proceedings against persons suspected of having concealed, embezzled, or conveyed away the property of deceased persons; in proceedings for the execution and completion of real contracts, from any order, decision or decree made under "an act regulating the mode of administering assignments in trust for the benefit of creditors;" and in proceedings to appoint guardians for lunatics or idiots, by any person against whom such order, decision, or decree shall be made, or who may be affected thereby, to the courts of common pleas of the proper county; and the cause so appealed shall be tried, heard and decided in the court of common pleas, in the same manner as though the said court of common pleas had original jurisdiction thereof.

Shall apply to all cases pending.

SEC. 2. This act shall apply to all cases now pending, and shall take effect from and after its passage.

SEC. 3. That the third section of the above recited act of May 1st, 1854, and the amendatory act passed February 20, 1864, be and the same are hereby repealed.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 28, 1866.

AN ACT

To refund military commutation in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person having paid the commutation for 1865, of four dollars, who was a member of the national guard, and reported by himself or substitute, under the call of Governor Brough, May 2, 1864, and was mustered into the United States service under said call, shall, upon proof of said facts to the satisfaction of the county auditor of the county where he paid said commutation, receive from said county auditor an order upon the treasurer of said county for

Commutation paid by members of national guard to be refunded to them.

the amount paid by said person as commutation; and the county auditor is hereby authorized and required, upon said proof being made, to draw his order upon the county treasurer for such amount, to be paid out of the military fund of said county.

SEC. 2. This act shall be in force upon its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 2d, 1866.

AN ACT

To amend section four of an act entitled "an act to authorize associations of persons for carrying freight on any of the navigable waters of the state of Ohio, and the lakes and navigable rivers bordering thereon," passed April 2, 1859. (Swan & Critchfield, 349.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act entitled "an act to authorize associations of persons for carrying freight on any of the navigable waters of the state of Ohio, and the lakes and navigable rivers bordering thereon," passed April 2, 1859, be and the same is hereby amended so as to read as follows:

Company may own boats, real estate, &c., necessary to carry on their business.

Section 4. Any company or association, organized for the purposes aforesaid, shall have power to build, purchase and hold such number of steamboats or other vessels, and such other personal property (and such real estate in Ohio and other states) as may be deemed necessary for commencing and conducting the business of the association, and shall have power to sell the same, or any part thereof, in such manner and for such purpose as may be prescribed by the rules and regulations of the company, and not inconsistent with the laws of this state; and said company shall have power to carry any articles of freight or produce upon any of the navigable streams in the state of Ohio, and on any of the lakes and navigable rivers bordering thereon, and shall be governed by the same laws, not inconsistent with this act, which govern individuals in such employments.

—and may carry freight, &c.

SEC. 2. That section four of the said original act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 6th, 1866.

AN ACT

To amend "an act to fix the salaries of judges of the court of common pleas of Hamilton county and judges of the superior court of the city of Cincinnati," passed April 14, 1862, and to revive section twenty-five of "an act to establish the superior court of Cincinnati," passed April 7, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section first of the act entitled "an act to fix the salaries of judges of the court of common pleas of Hamilton county and judges of the superior court of the city of Cincinnati," passed April 14, 1862, be and the same is hereby amended so as to read as follows, to wit:

Salaries of common pleas judges.

Section 1. That the judges of the court of common pleas in the county of Hamilton, hereafter elected or appointed therein, shall receive, in addition to salaries now payable by existing law to them out of the state treasury, the sum of not less than one thousand dollars annually, at the discretion of the commissioners of said county, to be paid to them out of the county treasury, in the same manner and at such times as is provided by law for the payment of the salaries of the judges out of the state treasury; and when the salary shall be once fixed, it shall not be increased or diminished during the residue of the term of office of the said judges.

SEC. 2. That section twenty-five of the act entitled "an act to establish the superior court of Cincinnati," passed April 7, 1854, be revived so as to read as follows, to wit:

Judges of superior court.

Sec. 25. The city council of Cincinnati, in addition to the salary provided for in section twenty-four, shall pay out of the treasury of said city to each of the judges of the superior court of Cincinnati, for their services respectively, the sum of not less than two thousand dollars annually, at the discretion of said city council of Cincinnati—the same to be paid quarterly in equal proportions, and when the salary shall be once fixed, the same shall not be increased or diminished during the residue of the term of office of the said judges; and to pay the said salaries, the said city council shall have power to levy and collect a tax on the real and personal property in said city, as the same has been, or shall be, appraised and returned on a grand levy of the state.

SEC. 3. That section one, and so much of section two and three, as may be inconsistent herewith, of "an act to fix the salaries of judges of the court of common pleas of Hamilton county, and judges of the superior court of Cincinnati," passed April 14th, 1862, be and the same are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 6, 1866.

AN ACT

To provide for the payment of the expenses of regular and select committees of the general assembly.

Appropriation for expenses of committees of general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from the funds in the state treasury, a sum not exceeding one thousand dollars, to defray the expenses of standing or select committees created by this general assembly, or either branch thereof, to be audited on the order of the chairman thereof respectively.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

To amend section four of an act to provide for the inspection of petroleum oil for illuminating purposes. (Statutes 1862, page 84, vol. 59.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act to provide for the inspection of petroleum oil for illuminating purposes, be so amended as to read as follows:

Oils must be inspected.

Section 4. That all oils manufactured in this state, for sale therein for the purpose aforesaid, shall be inspected before the same shall have been removed from the refinery, or place where refined or manufactured; and if any person or persons, whether manufacturer or dealer, shall sell or attempt to sell to any person in this state any of said illuminating oils, whether manufactured in this state or not, before having the same inspected as provided by this act, he shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars; and if any manufacturer or vender of either of said illuminating oils, shall falsely brand the package, cask or barrel containing the same, as provided in the first section of this act, or shall use barrels, casks or packages having the inspector's brand, without having the oil inspected, he or they so offending, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court; and any person violating any provisions of this act, or who shall neglect to do what is required herein, whether manufacturer or dealer, shall be liable to any party injured for any damage sustained thereby; and if any loss of life result as a consequence of not doing what is herein required, or, by neglect or refusal, to do what is hereby enjoined by the manufacturer, refiner or dealer, the person so delinquent shall be

Penalty for selling oils not inspected.

Proviso.

deemed guilty of manslaughter, and punished according to the statute in such case made and provided; provided further, that nothing herein enacted shall be construed to require the inspection of petroleum oils sold within the state, to be shipped by the seller for account of purchaser to any other state, or to a foreign port.

SEC. 2. That said original section four be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

To amend the "act amending an act fixing the salary of the state librarian," passed and took effect March 24, 1860, passed March 24, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the amended section one (1) of the act passed March 24, 1865 (see Ohio Laws vol. 62, page 59) be so amended as to read as follows: Section 1. The state librarian shall receive for his services an annual salary of fifteen hundred dollars, payable in quarterly installments, out of the state treasury, upon the warrant of the auditor, countersigned by the comptroller, on the second of May, August, November and February, respectively.

Salary of state librarian.

SEC. 2. Section one of the amended act above referred to is hereby repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 8, 1866.

AN ACT

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. [S. & C., page 1493.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class having a population exceeding one hundred thousand inhabitants, shall have power to erect and maintain, either within the city or within the county in which such city may be situated, a workhouse, and for the purchase of any real estate that may be deemed necessary for the erection of suitable buildings thereon, and maintenance of such workhouse, may levy a tax not exceeding one-half of one mill on the

Cities of first class may erect workhouses

dollar of taxable property of such city yearly, and may, at the discretion of the city council, issue the bonds of such city in any sums not exceeding one hundred thousand dollars, to be sold at not less than par, and bearing a rate of interest not exceeding six *per cent. per annum*, at such dates and upon such length of time as the city council may deem proper.

Board of directors—how appointed, &c.

SEC. 2. That the direction and control of such workhouse shall be vested in a board of five directors, (who shall serve without compensation,) constituted as follows: One to be appointed by the judges of the superior court, one by the judges of the court of common pleas, two by the city council, and the fifth shall be the mayor of such city, who shall be *ex-officio* chairman of said board. The above appointed directors shall hold their office for the term of four years; but it shall be so provided that one of said directors shall be appointed annually. As soon as practicable after their appointment, they shall meet and decide by lot, so that one shall hold for the term of one year, one for two years, one for three years, and one for four years. The first appointment of said directors shall take place immediately after such workhouse is completed and opened for the reception of prisoners.

General powers and duties of board.

SEC. 3. A majority of the whole number of directors shall have power to suspend or remove from office any one of their appointed number for misconduct, or for misconduct in office. A majority of the board shall be a quorum; they shall have power to appoint a superintendent, a clerk, and such other persons as are needful, and determine their salaries, who shall serve during the pleasure of the board. They shall also have power to make contracts for supplies, improvements and labor of prisoners, and to make, establish and enforce rules and regulations for the government and control of such workhouse, its officers and inmates, and the government of the board. But such rules and regulations shall not be in force until approved by the city council. They shall make yearly report to the city council of the fiscal affairs, the management, condition and influence of such workhouse, with statistics of the sex, nativity and cause of commitment, and generally they may do whatever the interest of such workhouse may require; provided that it conflicts with no existing law of the state or ordinance of the city, in or for which such workhouse may be erected.

SEC. 4. The board of directors shall have power to discharge, for good and sufficient cause, any person committed to such workhouse; but a record of all such discharges shall be kept and reported to the city council in the yearly report, giving a brief statement of the reasons therefor. In all cases of vacancy that may occur in said board, by reason of death, resignation, or removal from office, the board of directors shall have power to fill such vacancy for the unexpired term.

Vacancy in board—how filled.

Who may visit and inspect work house.

SEC. 5. The city council, by a committee, the judges of the superior court, and the grand jury of the county, may, at any time, visit and inspect such workhouse, and examine the books and accounts of the same. The mayor of such city

Mayor to appoint policemen.

shall have power to appoint such persons, not exceeding eight in number, with the pay and powers of policemen, as may be necessary to perform duty at the workhouse. The police judge of such city shall have power to commit to such workhouse.

SEC. 6. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 9, 1866.

AN ACT

Relating to the duties of county commissioners, and amending section two (2) of an act passed April 8, 1856. (S. & C., page 250.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act passed April 8th, 1856, prescribing the duties of county commissioners, be amended so as to read as follows:

Section 2. That the county commissioners of any county shall not make, suffer, or cause to be made, any purchase or contract for any outlay of money, for or on behalf of their county, the estimated value or expenses of which shall exceed five hundred dollars, without first causing twenty days' notice to be given in one or more newspapers of general circulation in the county, that proposals will be received for the performance of any job or work, or for furnishing any goods, wares, merchandise, or materials for said county; and the said county commissioners shall make, or cause to be made, such purchase or contract with the lowest responsible bidder, upon such person or persons giving bond to the county, with security, to be approved by the county commissioners, that the work will be faithfully performed, and the goods, wares, merchandise, or materials will be honestly delivered according to contract; and in case of the failure on the part of such person, within a reasonable time, as may be fixed by the commissioners, to enter into bond, with the security aforesaid, then the said purchase or contract may be made with the next lowest responsible bidder, upon the same conditions and limitations, and so on until the purchase or contract is made with the person or persons who will undertake the same, giving bond and security therefor, at the lowest price and in the best manner; provided, that this section shall not be construed to extend to the purchase of any articles necessary to any of the county officers in the discharge of the duties of their offices, except stationery and printing; and provided further, that the said commissioners may, nevertheless, by a unanimous vote, enter upon the minutes of their proceedings, and stating the grounds thereof, dispense with the operation of this section in cases of urgent necessity, when the estimated expenses or outlay does not exceed one thousand dollars; provided further, that all contracts or purchases entered into

All purchases or contracts exceeding five hundred dollars must be let to the lowest bidder.

Proviso.

in contravention of the provisions of this section, shall, as against the county, be utterly null and void.

SEC. 2. That section two (2) of the above recited act, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
Passed March 9, 1866. *President of the Senate.*

AN ACT

To amend section six of an act passed March 14, 1859, entitled "an act to provide for the appointment of police commissioners in cities of the first class having a population exceeding eighty thousand inhabitants," and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto, and further amended February 17, 1864. [O. L., vol. 61, page 10.]

4 Curwen, 3201.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the above recited act be so amended as to read as follows:

Section 6. The city council of such cities of the first class, having a population exceeding eighty thousand inhabitants shall have power to erect and maintain a city prison, which shall be in the keeping and under the control of the chief of police of such city, who shall be governed by such rules as the city council of such city may prescribe; but he shall receive no compensation, fees, or perquisites, other than the amounts specified in section five of the act to which this is amendatory. It shall be the duty of the city council to provide by ordinance for sustaining all persons sentenced to the city prison, or confined therein, at the expense of the city; and the city auditor, on presentation of bills for food, and sustenance, and necessary supplies, certified to by such person or persons as council may designate, shall audit the same, under such rules and regulations as council may prescribe. And the mayor of such city shall have power to appoint such persons, not exceeding eight in number, with the pay and powers of policemen in such city, as may be necessary to attend the sittings and execute the process of the police court, and perform duty at the city prison.

City prison to be under control of chief of police.

Council to provide for sustaining prisoners.

SEC. 2. This act to take effect on its passage, and the original section six of the above recited act is hereby repealed.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
Passed March 9, 1866. *President of the Senate.*

AN ACT

To amend the ninth section of the act entitled "an act relating to dower."

SECTIOL 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine of the act entitled "an act relating to dower," passed January 28, 1824, be so amended as to read as follows:

3 Curwen, 2322.

Widow aplying for dower may file petition in court of common pleas or superior court.

Section 9. That the widow applying for dower in the lands of her deceased husband, may file her petition in the court of common pleas, or superior court, as in civil actions under the code, against the heir or heirs, or other person or persons having the next immediate estate of inheritance, or any other estate therein, setting forth her right thereto, and describing the tracts of lands of which she claims to be endowed, upon which petition a summons shall issue and be served in like manner as in civil actions under the code, with the same time for answer and reply; and the court, on the hearing of such cause, shall render such decree in the premises as to them shall appear just and consistent with the rights of all the parties interested therein.

SEC 2. That said section nine be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

2 Curwen, 1413.

To amend section one of the act entitled "an act making provision for the incorporation of cemetery associations," passed February 24, 1848. [Swan & Critchfield's Statutes, page 225.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act making provision for the incorporation of cemetery associations," passed February 24, 1848, be so amended as to read as follows:

Cemetery associations—how formed.

Section 1. That from and after the passage of this act it shall be lawful for any number of persons not less than ten, to form themselves into a cemetery association, and to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall continue in office during the pleasure of the society; all such elections shall take place at a meeting of the majority of the members of such association, and after notice of at least twenty days in a newspaper, or by posting at least three written notices at public places in the township.

SEC. 2. That section one of the said act be and the same is hereby repealed.

SEC 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

Prescribing the duties of the clerk and sheriff in carrying into execution the sentence of the court in cases of murder in the first degree.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person has been duly tried and convicted of the crime of murder in the first degree, before any court of common pleas in this state, and, under said conviction, has been sentenced by said court to suffer death, it shall be the duty of the clerk of the court before which said conviction was had, to issue his warrant, under the seal of said court, reciting therein said conviction and sentence, directed to the sheriff of his county, commanding him to proceed at the time and place named in said sentence, to carry the same into execution, by causing the person so convicted and sentenced, to be hanged by the neck until he is dead.

Clerk of court of common pleas must issue warrant to sheriff.

SEC. 2. That it shall be the duty of said sheriff, on receipt of said warrant, provided the supreme court, or two judges thereof, have not ordered a suspension of the execution of said sentence, to proceed at the time and place named in said warrant, to carry said sentence into execution, by causing said person so convicted and sentenced, to be hanged by the neck until he is dead; and of the manner of his executing said warrant, and his doings thereon, he shall forthwith make return to said clerk, who shall cause said warrant and return to be recorded as a part of said case.

Duties of sheriffs.

SEC. 3. That in case the supreme court, or any two judges thereof, shall have allowed a writ of error in said case, and ordered a suspension of the execution of said sentence until said writ of error shall be heard and determined, and after having heard and determined the same, shall have appointed a day certain for, and ordered the execution of said sentence, it shall be the duty of the clerk of the supreme court to issue to said sheriff his warrant, under the seal of said court, commanding him to proceed to carry said sentence into execution, at the time so appointed by said court, which time shall be stated in said warrant; and upon receipt of said warrant last aforesaid, it shall be the duty of said sheriff to cause said sentence to be executed as aforesaid, at the time so appointed by the supreme court, and to make due return of said warrant and of his proceedings thereunder, forthwith, to said clerk of said court of common pleas, who shall cause said warrant and return to be recorded as aforesaid.

Duties of clerk of supreme court, when writ of error is allowed.

Further duties of sheriffs.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW. G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

Defining the jurisdiction of the probate court in the counties of Paulding and Putnam, in minor criminal cases, and amendatory of an act therein named.

4 Curwen, 3161

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled an act, defining the jurisdiction of probate courts in the counties of

Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and amended April 13, 1865, so as to extend to the counties of Allen and Wood, be and the same are hereby extended to the counties of Paulding and Putnam.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

To extend the provisions of an act passed March 23, 1864, providing for the construction of sewers to all cities of the second class, and incorporated villages containing not less than two thousand inhabitants.

Power to construct sewers extended to certain cities and villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "an act to amend an act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed March 23, 1864, are hereby extended to all cities of the second class and incorporated villages containing not less than two thousand inhabitants, anything in said act to the contrary notwithstanding, and the councils of said cities and incorporated villages are hereby invested with all the powers necessary for carrying out the provisions of said statute in the construction of sewers in such cities and villages.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 9, 1866.

AN ACT

3 Curwen, 1825.

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (S. & C., page 1493, at large.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the council of any city, either of the first or second class, or of any incorporated village within this state, to provide by ordinance for the lighting of any bridge owned by any corporation, individual or

individuals, either for the collection of toll for passengers, animals or teams, passing over the same, or otherwise, over any stream of water, aqueduct or canal, located in whole or in part within such city or incorporated village, in such manner as the council of such city or incorporated village shall prescribe. The council of such city or incorporated village shall also have the power to prevent and restrain any riots, lewd or indecent language or exposure of the person on any such bridge, or the assembling thereon of persons for the commission of disorderly or unlawful practices.

Provision for lighting bridges in cities.

SEC. 2. Whenever it shall be deemed necessary and proper by the council of any city or incorporated village in which such bridge may be located in whole or in part, to have such bridge lighted during the night season, such council shall pass an ordinance for that purpose, requiring such company, individual or individuals, owning such bridge, within a specified time of which not less than twenty days' notice shall be given in such manner as may in the ordinance be prescribed, to provide for lighting the same in such manner and with such number, size, and style of lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting and the points for the location of such lamp posts, as may be deemed proper.

Council may require company or owner to light their bridges.

SEC. 3. Should the company, individual or individuals owning such bridge, neglect or fail to have done the said lighting in conformity with the provisions and specifications of such ordinance, within the time specified in the notice as aforesaid, the council of such city or incorporated village may immediately proceed to cause such lighting to be done in conformity with the provisions of such ordinance, and such council may, by ordinance, prescribe the mode in which the charge or expense of such lighting shall be assessed against any such company, individual or individuals, and such charge when so assessed, shall be payable by such company, individual or individuals, at the time of assessment, and shall also be a lien on the bridge of such company, individual or individuals, and the land on which the same is erected, from the day of the assessment, and such charge may be collected and such lien enforced by a proceeding at law, either in the name of the municipal corporation seeking its enforcement, or of any person to whom the council of such municipal corporation may direct such payment to be made; and in any such proceeding at law, when pleadings are required, it shall be sufficient if the petition state generally that the suit is brought for work and labor done and materials furnished by the plaintiff for the defendant or defendants, and it shall be lawful for the court, or legal tribunal before which any suit is instituted for the recovery of any assessment or assessments made as aforesaid, to award judgment, in addition to the amount assessed with the interest thereon from the date of the assessment and the costs, for the sum of five per cent. penalty to defray the expenses of collection, and which sum shall be included in such judgment.

If company neglect or refuse city may cause bridge to be lighted, &c.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 9, 1866.

AN ACT

To transfer certain funds to the sinking fund.

Transfer of soldiers' relief fund to sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That eight hundred thousand dollars of the soldiers' relief fund, be and hereby is transferred to the sinking fund, and the same is hereby appropriated to the payment of the public debt of the state: provided that said sum shall only be taken from said fund *pro rata* out of the collections returned, as made at the semi-annual settlement between the state auditor and county treasurers, and shall be reimbursed to said relief fund from the sinking fund in the years 1867 and 1868, by adequate levies provided by law for that purpose.

SEC. 2. This act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

Supplementary to an act entitled "an act to provide for locating, estab lishing and constructing ditches, drains and water courses in townships," passed May 1, 1862. [Vol. 59, O. Laws, page 93.]

Township trustees may cause ditches to be repaired.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township in this state shall have power, whenever in their opinion it will be conducive to the health, convenience or welfare of the public, in cases where any ditch, drain or water course has been constructed under the provisions of the act to which this is supplementary, or otherwise, to cause the same to be cleaned out, deepened, widened or repaired as hereinafter provided.

SEC. 2. Whenever one or more persons owning lands adjacent to any such ditch, drain or water course referred to in said section one, shall file a petition setting forth the necessity of repairing, widening, deepening or cleaning out the same, or any part thereof, with the township clerk, and shall file a bond with said clerk with good and sufficient sureties to the satisfaction and acceptance of said clerk, conditioned to pay all expenses incurred in case the trustees shall refuse to grant the prayer of the petitioners, the trustees shall have the

same power to cause said ditch, drain or water course, to be cleaned out, deepened, widened or repaired, as they have to order any such ditch, drain or water course to be located and constructed, and the same proceedings shall be required in both cases, and the cost and expense thereof assessed and collected in accordance with the provisions of said original act to which this is supplementary.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 9, 1866.

AN ACT

To amend "an act to exempt from execution the property of the militia of Ohio mustered into the service of the United States," passed March 10, 1862. [L. of O., page 22, vol. 58.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act above recited be so amended as to read as follows:

Section 1. The individual and separate property, real and personal, of any person who may have volunteered and have been mustered into the service of the United States, shall be and the same is hereby declared to be exempt during the time such person shall continue in such service, and for two months thereafter, from sale or [on] any execution or order of sale issued on any judgment, order or decree existing or rendered against him during said service, by any court of this state; provided, however, the exemptions above authorized shall not be so construed as to apply to any person who may hereafter volunteer in the regular army from this state, or to any person who volunteered in the regular army from this state since the fourth day of July, 1865, but shall apply to those who are still remaining in the volunteer service from this state.

What property exempt from execution.

Proviso.

SEC. 2. That the exemptions provided for in section one of this act, shall be allowed in favor of sureties of such volunteers, in the same manner, and for the same time, as for their principals; provided such volunteers shall not be the owner of any property not exempted by law from sale or execution, from which the said judgment or order could be satisfied in whole or in part, were such volunteers discharged from such service.

Exemption allowed to sureties of volunteers.

SEC. 3. That the "act to amend an act to exempt from execution the property of the militia of Ohio mustered into the service of the United States," passed May 1, 1861, passed March 10, 1862; and also the "act to exempt from execution and sale the property of persons who may be surety for persons who have volunteered or who may volunteer and be mustered into the service of the United States," passed May 1, 1862, be and the same are hereby repealed.

SEC. 4. That this act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 13, 1866.

AN ACT

To provide for the transfer of certain balances in the county treasuries from one fund to another

Transfer of balance of mili ary fund to other funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the several counties in this state in which there may be a balance of any funds raised under the acts of April 7, 1863, and of March 28, 1864, providing for the payment of local bounties to volunteers from such counties, unexpended and unclaimed under said acts, and unappropriated under the act of April 13, 1865, supplementary to the act of March 28, 1864, "for the relief of the families of volunteers in the service of the state or the United States," are hereby authorized to transfer said balances of funds to the county fund of such counties, to be appropriated to poor, bridge, road or other such fund, raised by taxation for ordinary purposes, as in the opinion of such commissioners will be for the best interests of their respective counties.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 13, 1866.

AN ACT

To regulate the compensation of sheriffs for keeping and providing for prisoners in jail, and to repeal certain acts therein named. [See Laws of Ohio, vol. 61, page 29.]

Compensation to sheriffs for keeping prisoners

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sheriffs of the several counties in this state shall hereafter be allowed such compensation as the county commissioners shall, from time to time, order and allow, not exceeding fifty cents per day, for keeping and providing for prisoners in jail, and it is made the duty of the county commissioners, annually, at their June session, to review and fix the price of keeping and providing for said prisoners, and cause the same to be entered on the records of their proceedings.

SEC. 2. That the act to regulate the compensation of sheriffs for keeping and providing for prisoners in jail, passed March 14, 1864, and the act entitled an act supplementary to

the act for the regulation of county jails, passed March 13, 1843, passed March 16, 1860, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 13, 1866.

AN ACT

Supplementary to the act entitled an act to amend the act amending an act fixing the salary of the state librarian, passed and took effect March 24, 1860, passed March 24, 1865, passed March 8, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to amend the act amending an act fixing the salary of state librarian, passed and took effect March 24, 1860, passed March 24, 1865, passed March 8, 1866, shall take effect and be in force from and after the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

AN ACT

To amend the first section of an act entitled "an act to authorize counties, townships, cities and incorporated villages to issue bonds in certain cases," as amended April 10, 1862. (S. & C., 1235; Ohio Laws, vol. 59, page 42.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above-recited act, as amended April 10, 1862, be amended so as to read as follows:

Section 1. That it shall be lawful for the commissioners of any county, the trustees of any township, and the council of any city or incorporated village which may have heretofore issued, or which may hereafter issue, in pursuance of any law, bonds in aid or for purposes of public improvement, and which bonds are now due and unpaid, or may become due on or before the second Monday of January, eighteen hundred and seventy-one, to issue other bonds, not exceeding in amount the principal of such bonds so due or to become due.

New bonds may be substituted for old, unpaid bonds.

SEC. 2. That section one of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

4 Curwen, 2720. Supplementary to the act entitled "an act amendatory and supplementary to an act passed April 5, 1856, entitled 'an act to amend an act entitled an act to provide for the organization of cities and incorporated villages,'" passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts, passed March 31, 1864. (Laws 1864, vol. 61, pages 132 and 133.)

Powers extended to cities of second class and villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act entitled "an act amendatory and supplementary to an act passed April 5, 1856, entitled 'an act to amend an act entitled an act to provide for the organization of cities and incorporated villages,'" passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts, passed March 31, 1864, be and they are hereby extended to all cities of the second class and incorporated villages, any thing in said act or acts to the contrary notwithstanding; and the several councils of said cities and incorporated villages are hereby invested with all the powers of said act or acts, for carrying out their provisions, according to the intent and purposes thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

3 Curwen, 2069. To amend section one hundred and three of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853. (S. & C., 787.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and three of the above-recited act, be so amended as to read as follows:

Section 103. If the claimant or claimants fail to establish his or their right to such property, and to every part thereof, the justice shall render judgment against such claimant or claimants, for the costs that have accrued on account of such trial, and issue execution therefor; and in no case shall the constable be liable to the claimant or claimants for the property so taken.

SEC. 2. That the said original section one hundred and three, be and the same is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

Supplementary to an act entitled "an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859. 4 Curwen, 3304.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the several county commissioners in this state, semi-annually, at their first meeting after the return of the delinquent list of personal property, to cause the same to be read; and said commissioners may, at any time, direct said treasurer to proceed, in the manner elsewhere provided in this act, to collect the whole or any portion of the delinquent taxes due their county. The said commissioners, if upon careful examination they are satisfied the said delinquent taxes, or any part thereof, can be more certainly and economically collected by the personal application and efforts of local collectors, may empower their county treasurer to employ such collectors, and such number thereof and for such compensation, to be paid out of the county treasury, as will in the opinion of said commissioners insure the largest net proceeds from the collection of said delinquent taxes. Delinquent taxes—how collected.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

To amend section ten of an act concerning the relation of guardian and ward, passed April 12, 1858. (S & C., page 672.) 4 Curwen, 3067.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of an act concerning the relation of guardian and ward, passed April 12, 1858, be so amended as to read as follows, to wit:

Section 10. When the same person shall be appointed guardian of several minors, being children of the same parentage and inheriting from the same estate, separate bonds shall not be required; and in such cases only one application shall be required, and the letters of guardianship to be issued to such guardian by the court shall be in one copy, and not one for each minor; and the court approving and recording such bond, and issuing such letters, shall charge such fees as are allowed by law for such services, to be charged but once, and not once for each ward of such guardian. When guardian is appointed for several minors of same parentage, but one bond required. Fees for issuing letters, &c., to be paid but once.

SEC. 2. That section ten of the above-recited act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT.

4 Curwen 2605,

To amend the twenty-ninth section of an act entitled "an act for the incorporation of townships," passed March 14, 1853, as amended and took effect April 29, 1854. (S. & C., page 1571.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-nine of an act entitled "an act for the incorporation of townships," passed March 14, 1853, as amended and took effect April 29, 1854, be so amended as to read as follows:

Township trustees may purchase and improve cemetery grounds.

Section 29. That it shall be lawful for the trustees of any township, in any county in this state, to purchase, fence, protect and improve a cemetery, or burying ground, not exceeding ten acres of land, for the use of such township; and for the purpose of paying for fencing, protecting and improving such grounds, they are hereby authorized to levy and assess upon the taxable property of such township, such a per centum as will raise any sum not exceeding one thousand dollars in any one year, until the whole of the purchase money, with the interest due thereon, shall have been paid; and also to levy and assess a tax of not exceeding one mill on the dollar of the taxable property of such township, in any one year, to be applied to the fencing, protecting or improvement of the grounds, as aforesaid, or any grounds for cemetery or burial purposes, that shall have been, or may hereafter be set apart, appropriated or dedicated for such purposes, over which such trustees shall have control. That it shall be the duty of the coroner of any county to bury such dead persons as he may hold an inquest upon, and who have left no means wherewith to pay the expenses of their burial, in the burying ground of that township wherein such inquest was held, and the necessary expenses of such burial shall be allowed and paid by the township trustees; and the coroner shall be allowed for his services under this section, by the trustees of the proper township, fifty cents for each person, so buried.

Duties of coroner.

SEC. 2. This act shall take effect and be in force from and after its passage, and said section twenty-nine of the above entitled act, as amended as aforesaid, be and the same is hereby repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

For the establishment, support and regulation of "Children's Homes" in the several counties of the state of Ohio.

County commissioners may establish Children's Homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state may, and they are hereby authorized, when in their opinion the interest of the public demands it, to provide for the purchase of a suitable site, and the erection of the necessary buildings, to be styled the "children's home" for such county, and to provide means by taxation for such purchase, and support of the same.

—And appoint trustees.

SEC. 2. That when the necessary site and buildings are provided by the county, it shall be the duty of the commissioners of such county to appoint thereafter, annually, on the first Monday of March, a board of five trustees, who shall not receive any compensation for their services, but who shall have the entire charge and control of said "children's home," and shall appoint a suitable person superintendent of the "children's home," who shall reside in some apartment of the same, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties, and give such security for their faithful performance as the trustees shall by by-laws prescribe, and may be removed by them at pleasure. Said trustees shall also appoint a suitable person matron, whose duty it shall be to have especial care of the inmates of the "children's home," and direct their employment, give suitable physical, mental and moral training to the inmates, and superintend the household, and may be removed by the trustees at pleasure.

Trustees may appoint superintendent and matron.

Who to be admitt'd into the Home.

SEC. 3. The "children's home" shall be an asylum for all persons resident of the county, under sixteen years of age, who, by reason of orphanage, or neglect or inability of parents to provide for them, in the opinion of the board of trustees, are suitable persons for such provisions, and they shall be admitted by the superintendent on the warrant of such trustees, or their duly authorized agent, accompanied by a statement of facts signed by them, or him, setting forth the name, age, birthplace, and present condition of the person named in such warrant; which said statement of facts contained in said warrant, together with any additional facts connected with the history and present condition of said person, shall be by the superintendent recorded in a book provided him for that purpose by the county commissioners of such county, which book shall be at all times open for inspection by persons who may be interested in the inmates of said "children's home."

A general history of applicant required.

General duties of superintendent.

SEC. 4. That it shall be duty of the superintendent, with the advice and consent of said board of trustees, to seek suitable homes for all such children so committed, and indenture the same to such persons as may be willing to receive the same, or permit the same to be adopted by parties willing to adopt such children; provided, that the person to whom such child is indentured, or by whom such child is adopted, is

deemed, by said board of trustees or superintendent, a suitable person. And the said superintendent shall enter in a book, to be provided him by the county commissioners of such county, the date when any of the inmates of said "children's home" shall be indentured or adopted, the name and age of such inmate, the name and place of residence of the person to whom indentured, or by whom adopted; and if indentured, a substantial statement of the condition of such indenture, which said book shall be at all times open for inspection to any person interested in any of the inmates of such "children's home."

Trustees to make report to county commissioners.

SEC. 5. It shall be the duty of the said board of trustees to report quarterly to the county commissioners of said county the condition of the "home," and make an annual report in writing of the condition, wants, and operations of the same, and furnish an accurate account of all receipts and expenditures.

Children's Homes heretofore established may be purchased by county commissioners.

SEC. 6. That in any county in this state where there now is, or hereafter may be established, by private charity or otherwise, a "children's home," the same may be purchased or sustained, under the provisions of this act, by the county commissioners.

SEC. 7. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

3 Curwen, 2338.

To amend the eighth section of the "act regulating marriages," passed January 6th, 1824; took effect June 1st, 1824. (29 vol. Laws, 429; 1st Swan & Critchfield, page 856.)

SECTION 1. *Be it enacted by the General Assembly of the State of Chio*, That section eight of the above-mentioned act, be amended so as to read as follows:

Certificate of marriage must be transmitted to probate judge, and recorded.

Section 8. That a certificate of every marriage hereafter solemnized, signed by the justice or minister solemnizing the same, shall be transmitted to the probate judge in the county wherein the marriage license was issued, within three months thereafter, and recorded by such probate judge. Every justice or minister (as the case may be) failing to transmit such certificate to the probate judge in due time, shall forfeit and pay fifty dollars; and if the probate judge shall neglect to make such record, he shall forfeit and pay fifty dollars, to and for the use of the county.

SEC. 2. That the original section eight be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

To amend section fifty-six of an act entitled "an act relating to wills, and to repeal former acts relating thereto." (Swan & Critchfield's Revised Statutes, 1627.)

3 Curwen, 1912.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty-six of the above-recited act be so amended as to read as follows:

Section 56. When a devise of real or personal estate is made to any child or other relative of the testator, if such child or other relative shall have been dead at the time of the making of the will, or shall die thereafter, leaving issue surviving the testator, in either case such issue shall take the estate devised in the same manner as the devisee would have done, if he had survived the testator; or if such devisee shall leave no such issue, and the devise be of a residuary estate to him or her, and other child or relative of the testator, the estate devised shall pass to, and vest in such residuary devisee surviving the testator, unless a different disposition shall be made or required by the will.

Devise of property—how disposed of.

SEC. 2. That section fifty-six of the act above named be and the same is hereby repealed.

SEC. 3. That this act take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

To amend sections one and three of an act entitled "an act concerning the rights and liabilities of married women," passed April 3, 1861. [Laws of Ohio, Vol. 58, page 54.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and three of the above recited act be amended to read as follows:

Section 1. Any estate or interest legal or equitable in real property belonging to any woman at her marriage, or which may have come to her during coverture, by conveyance, gift, devise or inheritance, or by purchase with her separate

Property belonging to a woman at her marriage to be under her control.

means or money, shall, together with all rents and issues thereof, be and remain her separate property, and under her control; and she may, in her own name, during coverture, make contracts for labor and materials for improving, repairing and cultivating the same, and also lease the same for any period not exceeding three years. This act shall not effect the estate by the courtesy of any husband in the real property of his wife after her decease; but during the life of such wife, or any heir of her body, such estate shall not be taken by any process of law for the payment of his debts, or be conveyed or incumbered by him, unless she shall join therein with him in the manner prescribed by law in regard to her own estate.

Section 3. In any action against husband and wife upon any cause existing against her at their marriage, or upon any tort committed by her during coverture, or upon any contract made by her concerning her separate property, as provided for in section one of this act, the separate property of the wife shall be also liable to be taken for any judgment rendered therein.

SEC. 2. That said original sections one and three be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

AN ACT

To amend an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853. (Sec. 113 Swan & Critchfield, page 789.)

3 Curwen 2071.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (113) CXIII of the above entitled act be so amended as to read as follows:

Duties of justices of the peace.

(113) Section CXIII. And the said justice shall make out a certified transcript of his proceedings, including the undertaking taken for such appeal, and shall, on demand, deliver the same to the appellant, or his agent, who shall deliver the same to the clerk of the court to which such appeal may be taken, on or before the thirtieth day from the rendition of the judgment appealed from, and such justice shall also deliver or transmit the bill or bills of particulars, the deposition, and all other original papers, if any, used on the trial before him, to such clerk, on or before the said thirtieth day from said judgment; and all further proceedings before the justice of the peace in that case shall cease and be stayed from the time of entering into such undertaking.

SEC. 2. That section 113 of the above recited act be, and the same is hereby, repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of September, A. D. 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

AN ACT

To amend an act entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed March 29th, 1859, as amended by an act passed March 25th, 1864. (See page 57, Laws 1864.)

4 Curwen 3228.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above-recited act be amended so as to read as follows:

Section 1. That the city council of all cities of the first class, and all cities of the second class, shall have power to provide for the punishment of vagrants, common street beggars, common prostitutes, habitual disturbers of the peace, known or reputed pickpockets, burglars and thieves, watch stuffers, ball game players, persons who practice any trick, game or device, with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves; and such punishments may be either by imposing and collecting fines, or by imprisonment in the proper jail or at hard labor, or both, at the discretion of the court; provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor shall, for the first offense, not exceed thirty days; for the second offense, ninety days; for the third offense, six months; and for the fourth, or any further repetition of the offense, one year. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the costs of prosecution, shall be imprisoned and kept at hard labor until, at the rate of seventy-five cents for each day's labor, exclusive of Sunday, they shall have earned an amount equal to such fine and costs. They shall also have power to make suitable regulations to conduct such labor to the best advantage and in a manner consistent with the age, sex and health of the prisoners, and such labor may be done at the city prison, the city workhouse, or elsewhere, and under the charge of such officers or other persons as the mayor may select. And the said city council may also provide suitable hospitals for the reception and care of such prisoners as may be diseased or disabled, the same to be under such regulations and under the charge of such person as the city council may, by ordinance, direct.

Power granted to city council to punish vagrants, burglars, thieves, prostitutes, &c.

SEC. 2. That the first section of the above-recited act be and the same is hereby repealed; provided, that any offense committed in violation of the act hereby repealed may be prosecuted under the provisions of said act.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23d, 1866.

AN ACT

For the relief of certain hydraulic companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all hydraulic companies heretofore incorporated and organized, which may, after their organization, have become liable to a judgment of ouster from their corporate franchises, by reason of a non-user thereof for five or more years, but against whom no proceeding to obtain such a judgment has been commenced, and who have resumed and are now in the bona fide exercise of the said franchises, are hereby relieved from said cause of forfeiture, and the same is hereby waived, and no judgment for that cause shall be rendered against them, or either of them.

Relief to hydraulic companies.

SEC. 2. This act shall take effect from the date of its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23d, 1866.

AN ACT

To change the time fixed for holding the spring term of the court of common pleas in the counties of Summit and Lorain for the year 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the fourth judicial district of the State of Ohio, for holding the second or spring terms of the court of common pleas, in the counties of Summit and Lorain be changed, and that said terms of the court of common pleas be held in said county of Summit on the eighth day of May, and in the county of Lorain on the fifth day of June A. D. 1866.

Times of holding spring term of court in Summit and Lorain counties.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23d, 1866.

AN ACT

To provide for the welfare of abandoned and neglected children in cities of the first and second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first and second class, where "children's homes" or "industrial schools" may be established under the general incorporation law of the state, it shall be lawful for the trustees and managers of said institutions to take under their guardianship all children who may be placed under their care and management in either of the following modes:

Powers confined to trustees of industrial schools or children's homes.

First—Children under sixteen years of age, who shall be voluntarily surrendered by their father and mother, or in case of his death, or long continued or willful absence, by their mother, or by their guardians, to the care of said trustees and managers, they being by virtue of said surrender invested with the same power over the persons of the said children as the parents or guardians were themselves possessed.

What kind of children to be under their control.

Second—Children under sixteen years of age who, upon the application of said trustees and managers, may be committed to their care by any judge of probate court, or mayor of such city, on account of vagrancy or exposure to want and suffering, or neglect or abandonment of said children by their parents or guardians, or other persons having custody of said children, or in accordance with the request of the mother or next friend of said children, in case of the habitual intemperance, abuse or neglect of the father of said children; and it shall be the duty of such judge of probate court, or mayor of said city, so committing any child to the care of said trustees and managers, to annex to the commitment an abstract of the evidence taken by him and on which his adjudication was founded, which evidence shall have been taken under oath or affirmation.

SEC. 2. Said trustees and managers shall have the guardianship of such children during their minority, and may, when in their discretion it shall appear proper, place them in suitable homes, having scrupulous regard to the religious and moral character of those with whom said children are placed, in order to secure to them the benefits of good example and wholesome instruction, and the opportunity of becoming intelligent and useful men and women.

Trustees may act as guardian of children and procure them homes.

SEC. 3. Said trustees and managers shall require an agreement to be entered into, that each and every child so placed shall be furnished with good and sufficient food and clothing and a suitable common school education. The said trustees and managers shall have power to indenture any such child or children, when in their judgment it may seem best, and shall provide themselves with a book or books, in which they shall cause to be entered the age, parentage, place of residence, and present condition of all persons received in any such children's homes or industrial school; and said trustees and managers shall also cause to be entered in such book or books the time when, the place where, and the person or persons to whom any of the inmates of such "children's homes" or

—and may indenture them.

Record of age, parentage, &c., must be kept.

"industrial schools" shall have been placed for suitable homes, or indentured, together with a substantial statement of any contract made by and between such trustees and managers, and the person or persons receiving such child under the provisions of this act.

SEC. 4. Any person receiving such child or children from the trustees and managers of such institutions under the provisions of this act, shall not assign or transfer his, her or their services for any period without the written consent of the trustees and managers. And if, for any cause, a person so taking charge of a child, desires to be released from the contract, the trustees and managers, upon application, may, in their discretion, cancel the same and resume the charge and management of said child, and shall have the same power and authority over him or her as before the agreement was made.

Trustees may cancel contract in certain cases.

SEC. 5. The trustees and managers shall have power to remove a child or children from a home when, in their judgment, the said home has become an unsuitable one, and they shall, in such case, resume the same power and authority as they originally possessed: Provided, the said trustees and managers may, in their discretion, return the said children to parents or surviving parents or guardians, or where they believe said children to be capable of caring and providing for themselves, may discharge them to their own care.

—and may remove children from unsuitable homes.

SEC. 6. This act to take effect and be in force from and after its passage.

P. PITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

AN ACT

4 Curwen, 3220.

To amend section six of an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858, as amended in March, 1859. (O. L. of 1858, page 27, and of 1859, page 73.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of an act entitled "an act to provide for the establishment and government of reform schools," passed April 2, 1858, and amended March 26, 1859, be and is hereby amended so as to read as follows:

Commissioners of reform schools to be appointed by the governor.

Section 6. The board of commissioners shall continue to consist of those members now appointed, for the period of their appointment, and their powers and duties shall be as designated in this act. Their successors shall be appointed by the governor, by and with the advice of the senate, one of their number being designated by the appointing power aforesaid, acting commissioner, and all of them to hold their offices for three years from the day of their appointment, and until their successors are appointed and qualified, unless vacancies occur from death, resignation or removal, for cause

Term of office.

as herein provided. Said commissioners shall, before entering upon the duties of their office, take an oath or affirmation as required by the constitution of this state, and also give such bond, in such amount, and with such security, as may be approved by the governor; said bond to be deposited with the treasurer of state. The acting commissioner shall receive a salary not exceeding one hundred dollars per month, to be paid quarterly, and to be fixed by said board of commissioners, by and with the advice and consent of the governor, but no other fees, perquisites, or personal expenses whatever, except house-room, use of furniture, and board in the institution for himself and family; and the two advisory commissioners shall receive five dollars per diem for the time actually employed, but no traveling or other expenses or fees whatever. The acting commissioner shall reside upon the farm and devote all his time to the duties of his office. The board may appoint a matron to reside upon the farm at a compensation not exceeding four hundred dollars per annum, to be paid quarterly. The board shall meet at least once a month, but no per diem shall be paid to any commissioner for more than forty-five days in any one year, and the salary and per diem shall be paid out of the treasury of the state, on the order of said board of commissioners, upon the warrant of the auditor of state.

Oath and bond required.

Salary of acting commissioner.

Per diem of advisory commissioners.

Board may appoint a matron.

Board must meet monthly.

SEC. 2. That section five of an act entitled an act to amend and supplementary to an act entitled "an act to provide for the establishment and government of reform schools," passed March 26, 1859, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after the first day of April, A. D. 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To amend section three of an act entitled "an act relating to juries," passed February 9, 1831. (S. & C. Stat., vol. I., page 751.)

3 Curwen, 2359.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the act entitled "an act relating to juries," passed February 9, 1831, be and is hereby amended so as to read as follows:

Section 3. That the trustees of each township shall, on the second Tuesday of October next, and on the second Tuesday of October annually thereafter, select, of good judicious persons, having the qualifications of electors, and not exempt by law from serving as jurors, their apportionment of persons to be returned a jurors; and shall make a list thereof and deliver the same to the trustee or judge of election, whose duty it shall be to return to said clerk of the court the poll-book of the election to be holden on said second Tuesday of October. And it shall be the duty of the trustee or judge of elec-

Township trustees to select persons to serve as jurors.

tion, (as the case may be) to deliver said list of jurors to the said clerk of the court at the same time he shall return said poll-book to said clerk of said court.

SEC. 2. That section three of the act above referred to be, and the same is hereby repealed. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To authorize judges of the court of common pleas to hold special terms of said court.

Special terms of court may be held.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several judges of the court of common pleas, may hold special terms of said court in any county within their districts. Before a special term shall be held, the judge who was elected in the subdivision in which it is to be held, shall deliver his written notice thereof to the clerk of said court, who shall enter the same on the journal, and publish the same in one or more papers in general circulation in said county, to be designated by said judge, at least thirty days prior to such terms. And it shall be the duty of the clerk and other officers of said court to perform such duties as may be necessary preparatory to holding such term.

—and designate what business to be transacted.

SEC. 2. Said judge may designate what business will be transacted at such term, and also whether any jury or juries shall be summoned; and the clerk shall not issue a venire, before said term, for any except such as are designated in said order. Should a jury be necessary or desirable at any such term, and none have been summoned, or the regular jury have been discharged, the court shall have the same power and authority to summon a jury or juries as is now or may hereafter be conferred upon courts for that purpose, at any regular term thereof.

SEC. 3. Should there not be sufficient time before any such court to draw juries and issue writs for them, as pointed out by the statutes on that subject, the clerk shall proceed to draw said juries and issue writs for them, at any time before said terms, and the same shall be as valid as if issued in pursuance of said laws.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To amend "an act to provide for and regulate street railroad companies," passed April 10, 1861, and supplementary thereto. (Ohio Laws, vol. 58, page 66.)

Consent of corporate authorities must be obtained.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter no street railroad shall be constructed or commenced until the consent of the council or corporate authorities of the city or incorporated village wherein such road is to be constructed shall have been first obtained, and it shall be competent for the council or corporate authorities of any city or incorporated village, to agree with any street railroad company, organized in pursuance of this act, or with any individual or company of individuals, desiring to construct a street railroad in such city or village, upon the manner and upon the terms and conditions upon which such corporation, individual or company of individuals shall construct and operate a street railroad in such city or village.

Council to prescribe terms and conditions.

SEC. 2. That the council of any city or incorporated village shall prescribe by ordinance the manner and the terms and conditions upon which the streets and avenues of such city or incorporated village may be used or occupied by street railroads, and shall make no grant and give no consent for the use or occupation of the streets or avenues for a street railroad, until the public notice of the intention to make the grant, or give the consent and inviting proposals therefor, at a specified time and place, shall be published for three successive weeks in one or more of the principal newspapers of said city or incorporated village, or having circulation therein; nor shall such grants be made or consent be given, except to such company or such individual, or company of individuals, as will agree to carry passengers upon said railroad at the lowest rates of fare, and all reductions of the rates of fare shall inure to the benefit of the passengers carried.

Consent of property holders must be obtained

SEC. 3. That when any council of any such city or incorporated village shall grant or give its consent to the use of the streets or avenues of said city or incorporated village for a street railroad, the company, or individual, or company of individuals, obtaining such grant or consent, shall not proceed to construct said road, until the consent in writing of a majority of the owners of the lots abutting upon the street or avenue in which said road is to be constructed, shall have been obtained, and filed with the council of such city or incorporated village, and notice of such filing published as provided in the preceding section, nor until the council, being satisfied that such consent has been obtained, shall so declare by ordinance or resolution, except as provided in the next succeeding section of this act.

SEC. 4. That when any company or individual, or company of individuals, shall have obtained or shall obtain a grant from or the consent of the council of any city or incorporated village, to use and occupy the streets or avenues of such city or incorporated village for a street railroad, and shall be unable to obtain the consent of a majority of the owners of

any street or avenue to be so used or occupied, or having obtained the consent of such majority shall be unable to agree with any of them who did not, in giving consent, expressly waive or release any claim for compensation, or with any other owner or owners as to such use or occupation, who shall claim an injury to his or their property, of such character and nature as to entitle him or them to compensation therefor, it shall and may be lawful for such company, individual, or company of individuals, to proceed under the "act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, to appropriate, as against any such owner or owners of lots, the right to use and occupy such streets or avenues, and it shall be sufficient in the statement, to be filed under said act, to describe the street or avenue, and the lot or lots abutting thereon by the names of the owners thereof, and to state that the right sought to be appropriated is to construct a street railroad in such street or avenue: provided, that not more than one track shall be laid in any street or avenue without the consent of a majority in interest of the owners of property abutting thereon, being first had and obtained; and for the purpose of determining what is a majority in interest, reference shall be had to the assessed value of the whole property located upon such street or avenue.

When company may use street against property holders.

Oath' administered to

SEC. 5. That the oath to be administered to the jury in any such proceeding under said act, shall be as follows: "You and each of you do solemnly swear (or affirm) that you will justly and impartially assess, according to your best judgment, the amount of compensation which is due to (here name the owner or owners) by reason of the appropriation of the street or avenue (as in the statement described), irrespective of any benefit from any improvement proposed by said (here name the company, individual, or company of individuals), and that you will, in assessing any damage that may accrue to (here name the owner or owners) by reason of the appropriation, other than the compensation, further ascertain how much less valuable the lot or lots of said (here name the owner or owners) will be in consequence of such appropriation."

Duty of jury.

And it shall be the duty of the jury in ascertaining such compensation or damages to determine the amount thereof without reference to the distinction between a public and private nuisance, and the effect of such distinction upon the right of such owner or owners to claim compensation or damages, and the court shall, if requested, so direct the jury.

SEC. 6. That the fifth section of the act "to provide for and regulate street railroad companies," passed 10 April, 1861, be and the same is hereby repealed, and the first section of this act shall be in lieu thereof; and that the fifteenth and sixteenth sections of an act relating to cities of the first class having a population exceeding eighty thousand inhabitants, passed 3 March, 1860, be and the same are hereby repealed: Provided that such repeal shall not affect or impair any right

or franchise acquired, or any liability incurred, under the laws so repealed.

SEC. 7. This act shall take effect upon and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To amend an act entitled an act "to prevent the carrying on of certain branches of trade in the vicinity of the benevolent institutions." (Vol. 62, Ohio Laws, page 137.)

Certain kinds of business prohibited near benevolent institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section one of the above recited act be amended so as to read as follows:

Section 1. That it shall be unlawful for any person or incorporated company to carry on the business of slaughtering or tallow chandlery, or manufacturing glue, soap, starch or other article the manufacture of which is productive of unwholesome or noxious odors, in any building or place within one mile of the Longview Asylum or any of the state benevolent institutions.

SEC. 2. Section one of said act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To amend section eight of an act entitled "an act relating to juries." 3 Curwen, 2361.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the act entitled "an act relating to juries," passed February 9, 1831, be amended so as to read as follows:

Jurors—when absent may be drawn at another time.

Section 8. That if any person selected as a juror as aforesaid by reason of sickness, temporary absence from the county, or for any other reason, shall not be summoned, or if summoned, shall be excused from serving at the court to which he is summoned, his name (unless he is exempt from serving as a juror by law,) shall be returned to the box, and shall remain there until drawn out at some subsequent drawing for jurors; and whenever his name is again drawn he shall serve unless disabled or excused. And in case there should not, by reason of challenge or otherwise, be a sufficient number of jurors present to make up the pannel, the

When sheriff may summon talesmen.

sheriff shall summon a sufficient number of talesman to make up the deficiency. And at the close of any court the names of all such persons as shall have served on the jury at that term, together with the names drawn out of those who are found permanently disabled, disqualified, or not liable to serve, shall be discharged.

SEC. 2. That said original section eight is hereby repealed. This act shall take effect from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To provide for the removal of the seat of justice of Wood county, Ohio, from the town of Perrysburg, to the town of Bowling Green, in said county.

When county seat may be removed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the taking effect of this section of this act, as hereinafter provided, the seat of justice in the county of Wood shall be removed from the town of Perrysburg and shall be permanently fixed, until otherwise provided by law, at the town of Bowling Green, in said county.

SEC. 2. That the foregoing section of this act shall take effect and be in force when and so soon as the same shall be adopted by a majority of all the electors of said Wood county, voting at the next general election after the passage thereof as hereinafter provided.

Tickets—what to be indorsed on them.

SEC. 3. The electors of said Wood county, at the next general election after the passage of this act, shall indorse, or otherwise place on their tickets, either the words "for removal," or "against removal," and if a majority of all the electors of said Wood county, voting at said election, shall vote "for removal," the first section of this act shall thereupon be considered and holden to be adopted by such majority; provided, that all tickets upon which the words "for removal" shall not be indorsed, or otherwise placed, shall be taken and considered as votes against removal as fully as though the words "against removal" were indorsed or otherwise placed thereon.

Duties of judges and clerks of election

SEC. 4. That the judges and clerks of election in the several townships, in said county, at the said general election, shall cause all the votes that may be given for removal, or against removal, to be correctly counted, in the same manner that other votes are by law required to be counted, (in doing which, all tickets upon which the words "for removal," shall not be indorsed, or otherwise placed, shall be counted as votes against removal, as fully as though the words "against removal" were endorsed or otherwise placed thereon,) and they shall enter and certify in the poll books respectively, of

said general election, the number of votes so counted for removal, and the number so counted against removal, which poll books shall be returned and opened as required by the acts regulating said general elections and the opening of the returns thereof; and the officers opening the returns of said election, shall, at the same time that they make, certify and sign the abstracts required by law, also make, certify and sign a separate abstract of all the votes so returned for removal or against removal, showing the number so given in each township, and the footings or aggregate number so given in all the townships, which abstract shall forthwith be deposited in the clerk's office of said county, and shall forthwith be recorded by the clerk in the journal of the court of common pleas of said county, which record, or duly certified copy thereof, shall be taken and received as legal evidence for all purposes of the result of said voting.

SEC. 5. That in case a majority of electors in said county of Wood shall vote "for removal," as hereinbefore provided, the public business of the county shall continue to be transacted in the buildings now occupied for holding courts, and for other county purposes, until such time as new buildings shall be erected at the proposed new seat of justice as provided by law.

Sheriff must issue proclamation of election.

SEC. 6. It shall be the duty of the sheriff, or coroner, as the case may be, to cause proclamation to be made to the qualified voters of said county, in the same manner and at the same time, as by law he is required to do in other elections, notifying said electors to vote as aforesaid upon the question by this act submitted to them: Provided, however, that the omission to publish such proclamation, shall not be deemed to impair the validity of any returns that are made in pursuance of section four of this act, and in such case the judges of election shall, nevertheless, return statements of the votes for and against said removal, as hereinbefore provided.

SEC. 7. The sections of this act, subsequent to the first section, shall take effect and be in force on the passage of this bill.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

Supplementary to the act entitled "an act to authorize county commissioners, city councils, and township trustees to levy a tax to refund money borrowed or pledged for local bounties," passed April 13, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when the trustees of any township, or city council of any city, in the state of Ohio, shall have levied a tax to refund money borrowed or pledged for local bounties,

Tax may be levied to refund money borrowed to pay bounties.

under an act of the legislature of said state, passed April 13, 1865, entitled "an act to authorize county commissioners, city councils, and township trustees to levy a tax to refund money borrowed or pledged for local bounties," and certified or failed to certify the same to the county auditor, but from omission or error, the same has not been placed upon the tax duplicate of the year 1865, it shall be lawful for such county auditor to place the same upon the tax duplicate of the year 1866, and the same shall be collected and disbursed in the same manner, and under the same restrictions and regulations as is required by the act above recited: Provided that nothing herein contained shall be construed to authorize the making or certifying of any levy by township trustees or city councils not made prior to the time limited in the fifth section of the act of April 13, 1865, or for any greater sum than therein named.

SEC. 2. That in all cases when the authorities authorized by the act of April 13, 1865, to levy a tax to refund money borrowed or pledged for local bounties, have, by mistake as to the number of credits for which bounties were to be provided, failed to provide for a sufficient number, they shall be authorized to levy and certify to the county auditor a sufficient amount in addition to former levies to correct such mistake; but in no case shall any tax be levied whereby any greater amount of money shall be raised in any locality than is limited by said act, for each person so credited.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

4 Curwen, 2739.

Repealing section eight of the act entitled "an act to regulate insurance companies not incorporated by the State of Ohio," passed April 8, 1856. [S. & C., vol. 1, p. 740.] [741.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above recited act be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after the first day of July, 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To amend an act supplementary to an act entitled "an act to amend an act entitled an act to provide for the organization of cities and incorporated villages," passed March 28, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows:

Section 2. No order of such city council, as aforesaid, for constructing, excavating, opening, extending, or improving such canal, ship channel or water course, shall be made without the concurrence in the by-laws, ordinance or resolution directing the same, of two-thirds of the whole number of the members elected to the council; and the concurrence of a like majority shall be required to direct any improvement of the kind above specified, the cost, or a part of the cost, of which is to be assessed on the owners of property, unless two-thirds of the owners to be charged shall petition in writing therefor.

SEC. 2. That the original section two of the act which is hereby amended be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To repeal "an act to amend the act to regulate the admission and practice of attorneys and counsellors at law," passed January 3d, 1846, and took effect July 1st, 1846. [S. & C., page 94]. 2 Curwen, 119.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said above entitled act be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To amend section four (4) of an act supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May [March] 12th, 1853. [Vide S. & C., vol. 1, page 334.] 3 Curwen, 2184.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the above recited act be so amended as to read as follows:

Section 4. That whenever any turnpike or plankroad

company may deem it expedient or necessary, in laying out or building a turnpike or plank road, for which they have become incorporated, to enter upon and take possession of any road, street, alley, or bridge, they shall present to the commissioners of the county in which such road, street, alley or bridge, are or may be situated, a petition, signed by at least twelve citizens living upon or being interested in such road, street, alley or bridge, and shall cause a notice to be published in some newspaper of general circulation in said county, for four consecutive weeks, of the object and prayer of such petition, that remonstrances may be made thereto; and it shall be the duty of said commissioners, at their next meeting after the presentation of such petition, notice being given as aforesaid, to hear and determine the same; and if it shall appear that it will be for the interest of the community using such road, street, alley, or bridge, to have the same taken and used for the purpose of constructing such turnpike or plankroad thereon, the said commissioners shall grant a permit, in writing, to said turnpike or plankroad company to take and use said road, street, alley, or bridge, on such terms as they may deem fit for the interest of the community; and said company shall thereby acquire in such road, street, alley, or bridge, an exclusive right of way therein. Provided, that nothing in this section shall be so construed as to extend to roads, streets, alleys, or bridges within the limits of any incorporated city or village in this state, nor to any macadamized road.

When right of way may be granted to turnpike or plankroad companies.

SEC. 2. That section four of the above recited act be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To authorize societies for savings to buy land and erect buildings thereon for their own use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That societies for savings, duly incorporated by the general assembly of this state, and now doing business under their respective acts of incorporation, be and are hereby authorized to invest, in land and in the erection of buildings thereon, for the purpose of their own business, such sum as the trustees thereof may deem necessary, not to exceed five per cent. of the amount of the deposits held by such society for savings; and such societies for saving may

rent such part of said buildings so erected as shall not be needed for their own use.

SEC. 2. This act shall take effect from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 31, 1866.

AN ACT

To amend an act entitled "an act directing the manner of serving mesne process against railroad companies," passed March 21st, 1850. [S. & C., page 320.] And to repeal an act of the above title, passed March 22d, 1851. [S. & C., page 320.]

2 Curwen, 1538.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two and three of the first above recited act be so amended as to read as follows:

Section 2. Suit may be brought before a justice of the peace against any railroad company in any township into or through which the road owned or leased by said company may be located, and if the principal business office of the company is not kept in the township in which any such suit may be brought, it shall be the duty of the justice of the peace to issue a writ of summons against said company, directed to any constable in the township in which said suit may be brought.

Suit against railroad may be brought in any township through which road passes.

Section 3. The constable shall, on receipt of such summons, forthwith serve the same personally upon the president of such company, if he be a resident of the county in which suit is brought, or by leaving a certified copy at his place of business, if the same be within such county; provided, that if the president of any such company shall not be a resident of or have a place of business within the county in which such suit shall be brought, it shall be lawful for the constable having such summons to serve the same personally upon the person having charge of a ticket office, or on the person having charge of a freight depot, owned by or under the control of such company, if such ticket office or freight depot be situated within the county where such suit shall be brought; and provided, further, that when such summons shall be served on either of such last described persons, it shall be done at least eight days prior to trial; but when served upon the president, as aforesaid, it may be served in accordance with the law for serving summons issued by justices of the peace. Provided, that when it is prescribed by the terms of the charter of any railroad company that said company can only be served by summons served upon the president or secretary, or by copy left at the principal business office of said company, and the president or secretary do not reside, and the principal business office of the company is not located, in the county in which the action is

Upon whom service of process may be made.

When service to be made.

brought, then it shall be the duty of the justice of the peace to issue a writ of summons directed to the sheriff of the county where the principal business office of the company is located, with an indorsement on the back of the writ, of the name of the postoffice to which said writ shall be returned; and the sheriff, upon the receipt of said writ, shall forthwith serve the same personally upon the president, if found, or by leaving a copy at the business office of said company with the person having charge thereof, and immediately return the said writ to the justice of the peace issuing the same, by mail, directed to the postoffice named on the back of the writ.

SEC. 2. That sections two and three of the above recited act, and section one of an act entitled "an act directing the manner of serving mesne process against railroad companies," passed March 22d, 1851, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 31, 1866.

AN ACT

Supplementary to an act entitled "an act for the relief of the poor," passed February 23, 1865. (Ohio Laws, Vol. 62, page 19.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties having no county infirmary, in which any pauper or paupers shall become a county or township charge, it shall be lawful for the commissioners of such county or counties, or the trustees of any such township or townships, to exercise all the rights, powers and duties respecting the property of such pauper or paupers which are now legally exercised by the directors of county infirmaries, by virtue of the act to which this is amendatory.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 31, 1866.

AN ACT

To amend an act entitled "an act to amend section one of an act further to regulate and prescribe the duties of township assessors and county auditors," passed March 21, 1861, passed April 8, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act "further to regulate and prescribe the duties of township assessors and county

auditors," passed March 21, 1861, as amended by the act amendatory thereto, passed April 8, 1865, be amended so as to read as follows:

Assessors to take enumeration of deaf and dumb, blind, etc.

Section 1. That the assessor of each township, town or ward, shall at the time of taking a list of chattel property for taxation in the year 1866, and every fourth year thereafter, take an enumeration of all deaf and dumb, blind, insane, and idiotic persons, whose usual place of residence shall be in any family, jail, or infirmary in his township, town or ward, on the day preceding the second Monday of April, together with their names in full, their age, and the duration of their muteness, blindness, insanity, or idiocy, and shall make out a list of said deaf and dumb, blind, insane, and idiotic persons, and the names of their parents or guardians, and post office address, designating those of each class, and return the same to the auditor of his county on or before the third Monday of May in the same year.

SEC. 2. That the above entitled act, passed April 8, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 31, 1866.

AN ACT

To fix the compensation of members and officers of the general assembly.
(Vol. 59, page 114 O. L.)

Per diem of members.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each member of the general assembly of this state shall be entitled to receive for each day's actual attendance during the session of the general assembly, the sum of five dollars, and also the sum of three dollars for every twenty-five miles distance, by the most direct route of public travel, from his place of residence, in traveling to and from the seat of government.

Per diem of clerks, sergeants-at-arms and assistants.

SEC. 2. That the clerks, assistant clerks, sergeants-at-arms and assistant sergeants-at-arms, of the senate and house of representatives of this state, shall each be entitled to receive for each day's attendance during the session of the general assembly, the sum of five dollars.

SEC. 3. That the clerks of the senate and house of representatives shall receive at the rate of five dollars per day each, for the time actually employed, after the adjournment of the general assembly, for making out an index to the journals, to be paid on the order of the auditor of state; but they shall not receive any other allowance or compensation for services after the adjournment of the legislature.

Duty of sergeants-at-arms.

SEC. 4. That it shall be the duty of the sergeant-at-arms of each house, immediately after the adjournment of the general assembly, to take charge of all books, stationery, and all other property of every description, furnished for, in possession, or for the use of the general assembly, or any member or officer thereof, and being the property of the state; and such sergeant-at-arms shall cause the said property to be delivered into the custody of the secretary of state, who shall give duplicate receipts therefor—one of which receipts shall be by said sergeant-at-arms deposited with the auditor of state; and the said auditor of state shall allow to said sergeant-at-arms, for the services required by this section, such sum not exceeding five dollars per day, for the time actually employed, as such auditor shall deem just and reasonable, to be paid out of the treasury of state as in other cases.

SEC. 5. That an act to fix the compensation of members and officers of the general assembly, passed May 1st, 1862, (Vol. 59, page 114, Laws of Ohio,) be and the same is hereby repealed.

SEC. 6. This act to be in force from and after the 31st day of December, A.D. 1867.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To change the subdivisions in the second judicial district, and to provide for the election of judges therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties of Butler and Preble shall constitute the first subdivision; Champaign, Miami and Darke the second, and Warren, Clinton, Greene, Clark and Montgomery the third subdivision of said second judicial district.

Election of judges.

SEC. 2. The qualified electors of the said first subdivision shall, at the annual election on the second Tuesday of October, 1866, elect one judge for said first subdivision; the qualified electors of said second subdivision, shall at the same time elect one judge for said second subdivision; and the two judges now in office in the third subdivision of said district, as it is now constituted, and their successors in office, shall be the judges of the third subdivision herein described; provided, that nothing herein shall be construed so as to interfere in any way with the holding of courts in said district, as they are now held, prior to the second Monday of February, 1867.

SEC. 3. This act shall take effect on its passage.

ED. A PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

Supplementary to an act entitled "an act in relation to statistics of agricultural and mineral products," passed February 20, 1864. (Vol. 61, O. L., page 12.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the several township assessors in this state, at the time of making the annual assessment, to collect the following items of statistics in addition to those already authorized by law, viz.: 1st. The whole number of acres planted in vineyards; 2d. The number planted within the last year; 3d. The number of pounds of grapes gathered the last year; 4th. The number of gallons of wine pressed the last year; 5th. The number of pounds of wool shorn the previous year. Items of statistics.

SEC. 2. The assessors shall make returns of the above statistics to the auditor of their respective counties, and the county auditors to the state board of agriculture and to the auditor of state, such as are required by the act to which this is supplementary, concerning the statistics therein mentioned.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

Supplementary to an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852. (S. & C. 266.] 3 Curwen, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company heretofore incorporated for manufacturing iron under the laws of this state, may, upon a vote of a majority in interest of the stockholders, engage in and carry on the business of manufacturing steel in its various branches.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To provide for the equalization of the assessment of the property of railroads, and to repeal an act therein named. (Ohio Laws, Vol. 62, page 110.)

Board of equalization.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state, treasurer of state, and attorney-general, shall constitute a board of equalization of the property of the several railroads in this state, as found and determined by the several boards created under the act entitled "an act supplementary to an act entitled 'an act for the assessment and taxation of property in this state, and for levying taxes thereon, according to its true value in money,'" passed May 1, 1862, and the act amendatory thereof, passed April 14, 1863. Said board shall meet annually, on the first Wednesday after the tenth day of June, at the office of the auditor of State, in Columbus, and shall have power to hear complaints and equalize all the property of railroads, as returned by the several boards of assessors and appraisers under said act, by adding to the valuation of such roads as in their opinion are returned below their value in money, estimated according to said amendatory act passed April 14, 1863, or by reducing the value of such roads as in their opinion have been returned above their true value; provided, that such board shall not reduce the aggregate value below the value returned by the appraisers.

—To meet annually.

SEC. 2. That the act entitled "an act to provide for the equalization of the assessment of the property of railroads," passed April 11, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To amend section one of an act entitled "an act to authorize the county commissioners to appropriate as county roads, turnpike and plank-roads that have been or hereafter shall be abandoned," passed March 13th, 1862. (Vol. 59, page 26, Ohio Laws.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to authorize the county commissioners to appropriate as county roads, turnpike and plank-roads that have been or hereafter shall be abandoned," passed March 13th, 1862 (Vol. 59, page 26), be so amended as to read as follows:

County commissioners to appropriate abandoned turnpikes and plank-roads.

Section 1. That any turnpike or plank-road company, created or existing by virtue of any law of this state, which shall have neglected or hereafter shall neglect to elect its officers and keep its road in repair for the period of one year, shall be deemed and held to have abandoned the same; pro-

vided, that the amendment to said original section one shall not apply to turnpike companies incorporated subsequent to the ninth day of March, 1849.

SEC. 2. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To provide for the removal of the seat of justice of Putnam county, Ohio, from the town of Kalida to the town of Ottawa, in said county.

Removal of county seat of Putnam county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the taking effect of this section of this act, as hereinafter provided, the seat of justice in the county of Putnam shall be removed from the town of Kalida, and shall be permanently fixed, until otherwise provided by law, at the town of Ottawa, in said county.

Majority of all electors required.

SEC. 2. That the foregoing section of this act shall take effect and be in force when and as soon as the same shall be adopted by a majority of all the electors of said Putnam county, voting at the next general election after the passage thereof, as hereinafter provided.

Manner of conducting election.

SEC. 3. That the electors of said Putnam county, at the next general election after the passage of this act, shall indorse or otherwise place on their tickets, either the words "for removal," or "against removal," and if a majority of all the electors of said Putnam county, voting at said election, shall vote for the removal, the first section of this act shall thereupon be considered and holden to be adopted by such majority; provided, that all tickets upon which the words "for removal" shall not be indorsed or otherwise placed, shall be taken and considered as votes against removal, as fully as though the words "against removal" were indorsed or otherwise placed thereon.

Duties of judges and clerks of election.

SEC. 4. That the judges and clerks of election in the several townships in said county, at the said general election, shall cause all the votes that may be so given for or against removal, to be correctly counted in the same manner that other votes are by law required to be counted; in doing which, all tickets upon which the words "for removal" are not indorsed or otherwise placed, shall be counted as votes against removal; and they shall enter and certify in the respective poll-books of said general election, the number of votes so counted for as well as against such removal, which poll-books shall be returned and opened as required by the act regulating said general election and the opening of the returns thereof; and the officers opening the same shall, at

the same time they make, certify and sign the abstracts required by law, also make, sign and certify a separate abstract of all votes so returned for or against removal, showing the number so given in each township, and the footings or aggregate numbers given in all the townships, which abstract shall be forthwith deposited in the clerk's office of said county, and be by him forthwith recorded in the journal of the court of common pleas of said county; which record, or a duly certified copy thereof, shall be taken and received as legal evidence for all purposes as the result of said election.

Sheriff or coroner to notify electors of election.

SEC. 5. It is the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the duly qualified voters of said county in the same manner and at the same time as by law he is required to do in other elections, notifying said electors to vote as aforesaid on the questions by this act submitted to them; provided, however, that no omission so to do, shall in any manner impair the validity of any vote taken under the provisions of section four of this act, and, notwithstanding such omission, the judges and clerks of said election shall return the result of said vote as hereinbefore provided.

SEC. 6. Nothing in this act shall be so construed as to authorize a removal of said county seat from Kalida to Ottawa, until the sum of at least fifteen thousand dollars shall have been donated to said county of Putnam, to be used in the erection of the requisite county buildings in said town of Ottawa.

SEC. 7. The sections in this act subsequent to the first, shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To enroll the militia of Ohio, to organize a volunteer militia, and to repeal certain acts therein named.

All white male citizens to be enrolled.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all white male citizens, residents of this state, being eighteen years of age and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia, and perform military duty in such manner as hereinafter prescribed.

Assessors to take enumeration and make two separate lists.

SEC. 2. That it shall be the duty of township assessors of the several townships and precincts, and the assessors of the several wards of the several cities in May, 1866, and every fifth year thereafter, at the same time they are taking the assessment of personal property, to make two separate lists of persons living within their respective limits, liable to en-

rollment, one list of persons so liable under the provisions of section seven of this act, and one of all other persons subject to enrollment, and return certified copies thereof to the auditor's office of the proper county, on or before the third Monday of May, who shall file the same and, on or before the third Monday of August, transmit a statement showing the number of each class enrolled in each township or ward, to the adjutant-general of the state; county auditors, upon satisfactory proof, are authorized to correct said rolls, by adding the name of any person omitted, or striking off the name of any persons improperly enrolled. The governor of the state may, whenever he shall deem it unnecessary to make the enrollment provided for in this section, direct that the same be dispensed with; and he may also order the enrollment to be made at any other time than as above provided for, whenever in his opinion there is a necessity for the same.

County auditor to transmit statement to adjutant-general.

Governor may dispense with or order new enrollment.

SEC. 3. Keepers of taverns or boarding-houses, and masters or mistresses of dwelling-houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them or in their stead, give information of the names of persons residing in their houses, liable to enrollment or to do military duty; and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress, or person, refuse to give such information, such keeper, master, or mistress shall forfeit and pay twenty dollars, and such person shall forfeit and pay ten dollars, to be recovered on complaint of either of the assessors.

Who shall give information to assessors.

Penalty for refusing to give information.

SEC. 4. If any of the assessors of the several townships and precincts of this state, or of the several wards of the several cities, shall refuse or neglect to perform any of the duties required of them by this act, the governor may order the adjutant-general, or such person or persons as he may deem proper, to perform any or all of the duties so neglected to be performed by said assessors. Every assessor who shall in any case refuse or knowingly neglect to perform any duty enjoined on him by this act, shall, for every such neglect or refusal, pay to the state not less than one hundred dollars, to be recovered before any court of record in the state, and shall be committed to the county jail until such fine and costs shall be paid, or secured to be paid.

If assessors refuse to take enumeration, governor may order it to be done.

Penalty for refusal by assessor.

SEC. 5. Assessors, or persons acting in their stead, shall be compensated for their services in making the enrollment required by this act at the same rate and in like manner as they are compensated for making the annual assessments of property.

Compensation to assessors.

SEC. 6. The persons hereinafter named shall be absolutely exempted from enrollment, viz.:

Exemptions:

1. All persons in the army or navy, or volunteer forces of the United States, and all persons who may be exempt from service in the militia by the laws of the United States, at the time of making the enrollment.

Persons in U. S. service.

2. Every person who, by reason of permanent physical disability, may be unfit for the performance of military duty,

Physical disability.

and who shall be in possession of the statement of a reputable physician or surgeon, certifying to such permanent disability and describing the nature thereof.

Idiots, lunatics and felons.

3. Idiots, lunatics, and felons convicted of infamous crimes, unless pardoned, shall not be enrolled.

4. All members of religious denominations whose articles of faith prohibits their performing military duty.

Persons enrolled, but exempt except in case of war.

SEC. 7. The persons hereinafter named shall be enrolled as provided in section two, but shall be exempt from service in the militia, except in case of war, insurrection, invasion, or the reasonable apprehension thereof; provided, that if any such person shall voluntarily enlist in the organized militia, he shall thereafter be held to duty therein, notwithstanding this exemption:

—all who have served one year during the rebellion.

1. Persons who have been or hereafter may be honorably discharged from the army or navy of the United States, after having performed military duty for one year or more during the late rebellion.

—all who have served five years in the militia.

2. Every person who shall serve five years in the militia of this state; but no officer shall be so exempt, unless after such term of service he shall be honorably discharged in some lawful manner.

—all who served in the one hundred days' service.

3. Every member of the national guard of this state, who enlisted in the military service of the United States, under the call of the governor, in 1864, for the service known as the one hundred days' service, and who, having so enlisted for personal service under said call, was thereafter honorably discharged from said service by reason of physical disability, or was honorably mustered out with his company or regiment.

—active members of volunteer fire companies.

4. Every active member in good standing of any fire-engine, or hook and ladder, or hose company, organized under and subject to the authorities of any incorporated city, town, or village within this state; provided, that the number of members of such engine company shall not exceed forty, and of such hook and ladder company thirty, and of such hose company twenty; and, provided further, that no person who is receiving pay for his services in any such company shall be so exempt.

Penalty for giving false certificate of disability.

SEC. 8. If any physician or surgeon shall knowingly give a false certificate of disability, he shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding fifty dollars for each offense, to be recovered by indictment in the proper county; and if any person shall alter or transfer such certificate, with intent to commit fraud, or shall claim exemption under a certificate not issued to him, the person so offending shall be subject to the penalties of forgery.

Governor to order discharge of officers and members of national guard.

SEC. 9. Within one month after the passage of this act, the governor shall order the honorable discharge of all the officers and members of the national guard of this state, and of all volunteer companies heretofore organized; provided, that when not less than twenty members of any company shall signify their desire to retain their organization under the provisions of this act, the governor may retain those who

express such desire, under the officers already commissioned, and such company may be recruited to the minimum strength hereinafter provided for the organized militia; and any member of the national guard, or of any volunteer company, who shall so remain in service under the provisions of this section, may be mustered out at the expiration of five years from the date of his original enlistment; and in all other respects the members of volunteer companies, and of the national guard, and the organizations so retained, shall be upon the same footing and be governed in all respects as the organized militia hereinafter authorized and provided for.

Adjutant-general to collect arms and equipments.

SEC. 10. The adjutant-general shall provide for the collection and recovery of all arms and equipments belonging to the state, and in the possession of any company of volunteers or national guards that may be discharged under the provisions of this act; and shall also furnish arms and equipments, under such regulations as he may deem proper, to any new companies that may be organized or recruits that may be enlisted under this act.

Who shall compose the organized militia.

SEC. 11. The organized militia of this state shall be composed of such volunteer companies and companies of the national guard as were organized or retained under the militia acts of April 14, 1863, and March 31, 1864, and are not discharged by the provisions of this act, and such further volunteer companies as may be formed under this act; and said organized militia shall be apportioned throughout the state as nearly as may be in accordance with the population and requirements of the several counties, and may be ordered into active service by the governor to aid civil officers, to suppress or prevent riots or insurrections, or to repel or prevent invasion, and shall in all cases be first called into service.

Governor may authorize the formation of volunteer companies.

SEC. 12. In addition to the organizations that may be retained under the provisions of section nine, the governor may authorize the formation of such number of volunteer companies of infantry, artillery and cavalry as the good of the service may indicate. Each volunteer company of infantry and cavalry so authorized shall not exceed the maximum strength of companies of like arm in the army of the United States, and shall be of minimum strength when originally organized, of fifty enlisted men. And in the artillery arm, batteries may be organized as follows: For a battery of two guns, one first and one second lieutenant, three sergeants, four corporals, one musician, one artificer, and not less than thirty-eight nor more than forty-one privates. For a battery of four guns, one captain, one first and one second lieutenant, six sergeants, eight corporals, two musicians, two artificers, one wagoner, and not less than seventy-six nor more than eighty-one privates. For a full company, or battery of six guns, one captain, one senior first lieutenant, one junior first lieutenant, one senior second lieutenant, one junior second lieutenant, eight sergeants, twelve corporals, two musicians, two artificers, one wagoner, and not less than one hundred and fourteen nor more than one hundred and twenty-two privates.

Regimental officers.

SEC. 13. To every regiment, battalion and company of the organized militia, there shall be the same commissioned and non-commissioned officers as in like regiments, battalions and companies of the United States army. Each company and battery may adopt such constitution and by-laws, not inconsistent with the constitution and laws of this state and the United States, as may be approved by the governor. Each company and battery authorized by section twelve may be organized upon the petition of a number of persons equal to the minimum required for such organization, attested by a county commissioner of the county wherein such company or battery is to be located. Such petition shall be forwarded to the governor, accompanied by a copy of the constitution and by-laws agreed upon by the petitioners, and upon approval of the same by the governor, all persons whose names shall be signed to said petition or application, shall be considered legally enlisted in said company, and shall be bound by said constitution and by-laws; and they shall hold an election for officers, and such election, and all other elections of officers held under this act, shall be governed by such rules and regulations not inconsistent with law, as the governor may prescribe; provided, that in all cases a majority of all the votes cast at an election shall be necessary to a choice.

Companies may adopt constitution and by-laws.

Organization of company.

Election of officers.

Enlistment of new members.

SEC. 14. After the organization of a company or battery, new members shall sign their names in a book of enlistment, kept by the company or battery for that purpose, which signing shall be a legal enlistment. Amendments to the constitution and by-laws of a company shall only be valid after approval by the governor.

Governor may prescribe rules, and may disband companies.

SEC. 15. The governor may prescribe for the organized militia such rules and regulations, not inconsistent with this act, as in his judgment will increase the discipline and efficiency of the same, and he may disband any company or battery and order the officers thereof to be mustered out, whenever it shall become reduced below one-half of the minimum strength, or when from general insubordination or contention in such company its disbandment may become necessary for the good of the service; provided, however, that no individual member of any company shall be dismissed or dishonorably discharged, except upon due trial and conviction by court martial, or in some other lawful manner.

Companies to be numbered by adjutant-general.

Formation of regiments and battalions.

Consolidation.

SEC. 16. The several companies of cavalry and infantry, and the batteries of artillery, shall be numbered separately in each arm, by the adjutant-general. A record of such numbering shall be made and kept in the office of the adjutant-general. And where they exist in sufficient numbers, and are conveniently located for the purpose, the cavalry may be organized by the commander-in-chief in squadrons, battalions or regiments, and the infantry into battalions or regiments, and officered as provided by law; and two or more batteries may be consolidated by order of the commander-in-chief, at his discretion, so as to form a four gun or a six gun battery, with the strength and upon the basis prescribed in section twelve. But when the constitution and by-laws under which

any company or battery shall have been accepted into the service, shall stipulate that such company or battery shall not be attached to or consolidated with any other company or battery, the said company or battery shall not be so attached or consolidated but upon its own application, except when called into active service, in which case it may be temporarily attached to such regiment, battalion, company or battery as the commander-in-chief may direct.

Commander-in-chief and staff officers.

SEC. 17. The governor is ex officio commander-in-chief of the military forces of the state. He shall appoint the following staff officers, whose compensation shall be at the rate of two thousand dollars per annum for one year after the passage of this act, and thereafter shall be as may be provided by law: One adjutant general, who shall rank as brigadier general. The adjutant general shall perform the duties of inspector general.

Subsistence or commissary department.

Commissary general and assistants.

SEC. 18. The commander-in-chief, whenever in case of war, invasion or insurrection it becomes necessary, may organize a subsistence or commissary department, and for that purpose shall order the adjutant general to perform the duties of commissary general, and may appoint such assistant commissaries as he may think necessary, or the good of the service may require, with such rank as is conferred on officers of the same station in the army of the United States; who shall for their services receive a salary not exceeding sixty dollars per month for the time in actual service, and whose commissions shall be cancelled when their services are no longer required.

Medical department—surgeon-general.

SEC. 19. The commander-in-chief, whenever in case of war, insurrection or invasion it becomes necessary, may complete the organization of the medical department by appointing a surgeon-general, with the rank of brigadier-general, who shall for his services receive an annual salary at the rate of two thousand dollars per annum for the time actually employed; provided, that any pay or emoluments received by said surgeon general from the United States government, during the time actually employed in the service of the state, shall be deducted from the salary aforesaid.

Commissions of staff officers.

SEC. 20. The commissions of the staff officers of the governor shall expire with the term for which he shall have been elected; the salaries and accounts of the staff shall be countersigned by the governor, and paid on his certificate.

Field officers—how elected.

SEC. 21. Field officers of regiments and battalions shall be elected by ballot by the officers, non-commissioned officers, musicians and privates of the respective regiments or battalions.

Line officers—how elected.

SEC. 22. Commissioned officers of the line, shall be elected by ballot of the officers, non-commissioned officers, musicians, and privates of their respective companies.

Certain officers appointed, and how.

SEC. 23 Adjutants, quartermasters, chaplains, surgeons, surgeons' mates, sergeant-majors, quartermaster-sergeants, commissary-sergeants, drum-majors, and fife-majors, shall be appointed by the respective commanding officers of regiments; sergeant-majors and quartermaster-sergeants of battalions shall be appointed by the commanding officers thereof. Non-

commissioned officers of companies shall be appointed by the respective comandants of companies, who shall forthwith return the same in writing to the commanding officer of the regiment or battalion.

Governor to issue commissions.

SEC. 24. The governor shall issue commissions to all officers duly elected or appointed in pursuance of the provisions of this act, and every officer duly commissioned shall, within ten days after his commission shall have been tendered to him, take and subscribe the oath prescribed in the constitution of the State, and an oath of office. A certificate shall be endorsed by the officer administering the same, on the commission, and a copy thereof shall be filed in the adjutant general's office. And in case of refusal or neglect to take such oath within the time mentioned, he shall be deemed to have resigned said office, and a new election shall be forthwith ordered to fill his place. A neglect or refusal of an officer elect to take such oath, shall be no excuse for neglect of duty until another shall be duly commissioned in his place.

Officers to take oath.

Refusal to take oath vacates office.

Resignations

SEC. 25. No officer shall be considered out of the service on the tender of his resignation until it shall be accepted by the commander in-chief. The commanding officers of regiments shall receive the resignations of such commissioned officers as may resign in their respective regiments, and shall transmit the same to the adjutant general, with endorsement of approval, or disapproval, and statement of facts.

Vacancies—how filled.

SEC. 26. Every officer who shall move out of the city or county where his command is organized, and every officer who shall be absent from his command six months without leave of his commanding officer, shall be considered as having vacated his office, and a new election shall be held, without delay, to fill the vacancy so created.

SEC. 27. The commander-in-chief shall provide for elections to fill all vacancies created by the death, resignation, removal or absence of commissioned field officers and officers of the line.

Company commanders must make annual return.

SEC. 28. Every commandant of every company, battery, squadron, regiment and battalion of the organized militia, shall make a return of all commissioned and non-commissioned officers, musicians and privates under his command, and all camp and garrison equipage, public arms and accoutrements, and other ordinance stores belonging thereto, through the respective regimental commanders, on or before the first day of November in every year, and such return shall be preserved by the adjutant general in a book of records in his office.

Term of service.

SEC. 29. Every commissioned and non-commissioned officer and soldier of any company or battery of the organized militia shall be held to duty therein for five years, unless he shall sooner arrive at the age of forty-five years, or some absolute disability shall occur after forming such company or battery, or he shall be discharged by the proper officer; and every person as aforesaid, after the expiration of said term, shall be entitled to a certificate of such service, and said certificate shall be given to all such persons by the adju-

tant general; and the holders of said certificates shall be exempt from military duty in time of peace.

Drills—how often and when held.

SEC. 30. In addition to the drills for which the constitution and by-laws of each company and battery may provide, and of which there shall be at least one every three months, there shall be at least one battalion drill between the first day of May and the first day of November in each year, by such of the organized militia as may be formed into battalions and regiments, which shall be held at such times and places as the commander-in-chief may prescribe.

Fine at company muster.

SEC. 31. The constitution and by-laws of each company and battery, organized under this act shall provide fines for non-attendance at the drills provided for in section thirty, and when such fines are incurred, or when any other fines are incurred by reason of infraction of the constitution or by-laws of any company or battery, it shall be the duty of the commandant of such company or battery to call a meeting of the commissioned officers thereof, not less than two of whom shall constitute a court of inquiry, to make a list of delinquents and assess fines thereon, three days' notice of the time and place of which meeting shall be given to the parties to be affected thereby, either personally or by leaving a written or printed notice at the usual place of abode of each of said parties. At the court, when organized, the senior officer shall preside and the junior officer shall act as recorder, and all members notified as aforesaid shall appear, and present their excuses, and show cause, if any, why fines should not be assessed against them, and the court shall determine the validity of such excuses, and shall have jurisdiction to assess all fines authorized by this act, or by the constitution or by-laws of such company or battery, and every person who shall fail to appear as aforesaid shall be deemed to have waived any other or further trial of his delinquencies. At said court of inquiry the recorder shall keep a record of the proceedings, and shall make out a list of the members fined, with the amount of fines assessed against each, next to their names, which list shall be signed by the president and attested by the recorder of the court.

Court of inquiry on fines—its proceedings.

How fines collected and applied.

SEC. 32. In all cases where fines are assessed as aforesaid, and not paid to the president of said court within ten days after the holding of the court, such lists of fines and delinquents, certified as aforesaid shall be placed in the hands of a justice of the peace of the township within which the delinquent resides who shall thereupon render judgment against each of said delinquents, without issuing further process, and shall forthwith issue execution without right of stay, directed to any constable of such township, for the prompt collection of the same, with costs, as upon other judgments at law, and the money when so collected shall be paid by said justice of the peace, after deducting costs, to the president of said court of inquiry, and the same shall constitute a company fund to be used as the company may direct; provided, that in no case shall the state pay any costs of such prosecution.

Fathers, guardians and masters liable for fines for

SEC. 33. That for the fines assessed against minors, fathers shall be liable jointly and severally with their sons, and

minors and apprentices.

guardians with their wards, to the amount of funds of the wards in their hands; masters for their apprentices; and all property held in common by any society or association whose tenets or rules require a community of property, shall be liable and bound for any and all fines assessed by the provisions of this act against a member or members of such society or association.

Company fund.

Battery fund.

SEC. 34. Each company of infantry or cavalry, organized under the provisions of this act, shall be entitled to receive annually the sum of fifty dollars as a company fund, and a like allowance of twenty-five dollars shall be made for every two guns of a battery, for the care of arms, rent of armories, and other incidental expenses of said company or battery, said sums of money to be paid out of the general revenue fund of the state, on the certificate of the commanding officer of said company or battery, approved by the commander of the regiment, battalion or battery, and by the adjutant general, which approval shall not be given until the annual company report in proper form shall have been returned; provided, that no more than ten thousand dollars shall ever be so paid in any one year, and if said sum should not be sufficient for said purposes, then and in such case the regiments, companies and batteries may draw pro rata from said sum for such purposes, in such manner as the adjutant general may direct. Every commissioned officer refusing to pay over moneys in his hands, as is directed in the provisions of this act, shall be liable to be tried and cashiered, or otherwise punished therefor by a court-martial.

Pay when serving under call of civil authorities.

SEC. 35. All commissioned and non-commissioned officers, and each and every member of the company, shall receive one dollar per day, or one dollar per night, or two dollars for each day and night together, when serving under the order of the governor, sheriff of their county, or the order of the mayor of their city, or village, or other municipal officer, judge, or justice of the peace, to suppress riots, or to enforce civil law, to be paid out of the county treasury on the certificate of the said governor, sheriff, or mayor aforesaid.

Pay when called into active service.

SEC. 36. When any of the militia of this state shall be called into active service by the governor, in case of war, invasion, insurrection, or to prevent invasion or insurrection, they shall receive the same compensation as volunteers in the United States service are allowed, to be paid on the certificate of the governor.

Uniform.

SEC. 37. That the uniform of all companies and batteries of the organized militia, and of officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed for the United States army for the time being, except the coat of arms, which shall be that of the state of Ohio.

Arms, ammunition, accoutrements, &c., to be under control of adj't general.

SEC. 38. All public arms, ammunition, accoutrements, camp and garrison equipage, and military stores belonging to the state, shall be subject to the control of the adjutant-general, in accordance with the orders of the governor; and it shall be the duty of the adjutant general to see that all arms and munitions of war now belonging to the state, or which may hereafter in any manner be acquired, are prop-

erly cared for and kept in good order for use. All accounts accruing against the state, under the provisions of this section, shall be paid on the certificate of the adjutant-general, countersigned by the governor.

Penalty for selling, secreting, injuring, &c., arms, accoutrements, stores, &c.

SEC. 39. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, ordnance stores, camp or garrison equipage or munitions of war belonging to the state of Ohio, or who shall in any way wilfully injure any of the same, or any arsenal or armory now belonging to or rented by the state, or owned or rented by any company, battalion, or regiment organized under the laws of this state, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or shall be imprisoned in the county jail for the term of not more than three months, or both, at the discretion of the court.

Penalty for breaking into arsenal, &c.

SEC. 40. Any person unlawfully breaking and entering, in the day or night season, any arsenal, storehouse, or other building where military property of this state, or United States is kept, shall be deemed guilty of a misdemeanor, and upon conviction, be punished as for burglary.

Duties of adjutants and orderly sergeants.

SEC. 41. The adjutants of regiments, squadrons and battalions, and the orderly-sergeants of companies and batteries, shall attend to and record all returns from the commandants of regiments, squadrons, battalions, companies and batteries, and record the same in a book to be provided for that purpose, and shall perform such other duties as may, from time to time, be required of them by the commandants of their regiments, squadrons, battalions, companies and batteries; provided, that when any adjutant or orderly sergeant shall be absent, the commanding officer shall appoint a suitable person to perform the duties of such adjutant or orderly sergeant.

Adj't general to furnish blanks, give instructions, &c.

SEC. 42. That the adjutant general of the state shall furnish to the commandants of regiments, companies and batteries, blank forms of rolls, bonds, and of the different returns that may be required, and from time to time explain the principles on which they should be made, together with such general regulations, concerning the organization and government of the militia, as will better promote the discipline and order thereof, and supply such practical details as are needed to make that organization systematic and complete. He shall also keep the records, volumes and papers of the department in an office at the state house, and make annual report of all matters coming within his department, which report shall be submitted to the governor before each meeting of the general assembly.

—and make annual report to governor.

In case of riot, mob, &c., troops may be called to aid civil authorities.

SEC. 43. Whenever there shall be in any county, any tumult, riot, mob, or any body of men acting together, by force, with intent to commit any felony, or to offer violence to persons or property, or by force and violence to break or resist the laws of the state, or any such tumult, riot, or mob shall be threatened, the commander-in-chief, the mayor of any city or village, the sheriff, or any judge of the county or supreme court of this state or the United States, may issue

his call, directed to any commanding officer of any regiment, battalion, squadron, or company, to order his command, or any part thereof (describing the number and kind of troops), to appear at a time and place therein specified, to aid the civil authority in suppressing such violence, and supporting the laws.

Penalty for refusal to answer call or obey orders.

SEC. 44. The officer to whom the call of the commander-in-chief, mayor, sheriff, or judge, shall be directed, shall forthwith order the troops therein mentioned to parade at the time and place appointed; and if he shall neglect or refuse to obey, or if any officer shall refuse or neglect to obey any order issued in pursuance thereof, he shall be cashiered, and be further punished by fine and imprisonment, not exceeding six months, as a court martial may adjudge; and any non-commissioned officer or private who shall neglect or refuse to appear at the place of parade, to obey any order issued in such case, or any person who shall advise or endeavor to persuade any officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall be held guilty of a misdemeanor, and on conviction thereof, shall be imprisoned not to exceed six months, or fined not to exceed one thousand dollars, or both.

When troops called out for special duty, personal or written notice must be given to each member of company.

SEC. 45. Whenever the commanding officer of any company shall order out his company for any duty other than the stated drills, he may order one or more non-commissioned officers, or privates, to notify the men enrolled in such company to appear at the time and place appointed; and each non-commissioned officer and private so ordered, shall give notice of the time and place appointed for the meeting of said company, to each man, personally, or by leaving at his usual place of abode, a written or printed order signed by such non-commissioned officer or private, which notice shall be a sufficient warning.

Penalty for failure to give notice, or disobeying notice.

SEC. 46. Every non-commissioned officer or private who shall refuse or neglect to give notice or warning when ordered by the commanding officer of his company, contrary to the provisions of the foregoing section, shall forfeit and pay the sum of not less than twenty nor more than one hundred dollars, as may be adjudged by a court martial; and every officer, non-commissioned officer, or private, after being notified as provided in section forty-five, who shall refuse or neglect to promptly obey said notice, shall be punished by sentence of court-martial, not to exceed the punishment pointed out in this section.

Courts-martial.

SEC. 47. The governor may order courts-martial for the trial of any officer or soldier of the militia on proper charges and specifications, the proceedings of which shall be, as near as may be, as provided in the rules, regulations, articles of war, and practice for the government of the armies of the United States. The governor, on ordering a court-martial, shall detail a judge advocate and provost-marshal for the same; and the members of said court and judge advocate shall be entitled to receive two dollars each, for each day's attendance at said trial, and in traveling to and from court; and the provost-marshal [shall] receive the same compensa-

Compensation to members of court-martial.

tion as is allowed to sheriffs for similar service; and witnesses shall receive fifty cents for each day's attendance, and five cents a mile for traveling to and from court; the same to be paid out of the state treasury, on the order of the president of the court, approved by the adjutant-general. The president of the court may issue subpœnas to compel the attendance of witnesses, and enforce their attendance, if necessary, by attachment. All fines which may be levied by such court-martial shall be assessed and collected in the same manner as is provided in sections thirty-one and thirty-two, in regard to fines imposed by courts of inquiry.

Witnesses—their fees, &c.

SEC. 48. All assessments and fines authorized by this act to be made, shall be assessed and collected in the name of the state of Ohio, for the use of the state, or of the company military fund, as the case may be; and all moneys so collected, except such as may be collected under the provisions of sections thirty-one and thirty-two, shall be paid into the county treasury of the proper county, to the credit of the general revenue fund of the state.

Fines—how collected, &c.

SEC. 49. Whenever, in case of war, invasion, insurrection, the reasonable apprehension of invasion or insurrection, riots, or any forcible obstruction to the execution of the laws, the governor shall deem the organized militia insufficient to defend the state, or to aid the civil authorities in the enforcement of the laws, he may, in his discretion, either call for volunteer recruits to temporarily fill companies of the organized militia to the maximum strength, or authorize the temporary organization of other volunteer companies, or he may adopt both of these resources. The volunteer recruits so called into service and attached to companies of the organized militia, shall be under the orders of the officers thereof while in such temporary service. The governor shall commission the officers of newly organized companies for such temporary service, having due regard to the choice of a majority of the members thereof, which shall be ascertained in such manner as he may prescribe, and without delay or detriment to the object for which such companies may be required; and all such commissions shall terminate with the cause for which such volunteer force shall be called into service; and the governor may prescribe such lawful rules and regulations for their government as he may deem necessary, conforming, as nearly as may be, to established military usages. The volunteer recruits temporarily enlisted under the provisions of this section, whether attached to existing companies of the organized militia, or formed into new companies, may be retained under such enlistment for thirty days, but shall be sooner discharged, if the emergency for which they may be required shall have sooner passed away; and while in such service they shall be subject to the same discipline and penalties, and shall receive the same pay as the regular organized militia.

In case of invasion, war, &c., governor may call for volunteers.

—and may commission officers of new companies.

When commissions terminate.

Volunteers may be retained thirty days.

SEC. 50. Whenever, in case of war, invasion, insurrection, the reasonable apprehension of invasion or insurrection, riots, or any forcible obstruction to the execution of the laws,

When volunteers and organized militia are insufficient, governor may order a draft.

the governor shall deem the regular organized militia, together with the volunteer recruits and companies temporarily enlisted under the preceding section, insufficient to defend the state, or to aid the civil authorities in the enforcement of the laws, or when he shall deem the regular organized militia insufficient, and shall deem it inexpedient to call for volunteer recruits, it shall be lawful for him to order a sufficient number of persons to be drafted from the enrolled militia not already in service, in the manner hereinafter prescribed, or when, in the opinion of the governor, there is danger that any emergency to meet which volunteer recruits may have been called into active service, will continue longer than thirty days, he may, on or before the expiration of that period, order a like draft, as above. And all persons drafted under this section shall be attached to existing companies of the organized militia, or be formed into new companies in the same manner as provided in the preceding section in regard to temporarily enlisted volunteer recruits, and they shall be entitled to the same pay, and be governed in all respects as the regular organized militia, except that they may be retained in service for a period not exceeding one hundred days under any one draft; provided, that none of the persons enumerated in section seven shall be subject to draft, except in case of war, insurrection or invasion.

Drafted men —how organized, time of service, and pay.

Who deemed a deserter.

SEC. 51. Any person liable to perform military duty, who shall be lawfully called into active service, and who shall neglect or refuse to march as ordered by the proper commanding officer, shall be deemed and treated as a deserter.

Brigades and divisions— how governed.

SEC. 52. The militia, while in active service, may be organized by the commander-in-chief into brigades and divisions, and shall be governed by the military laws of the state, and by the rules and regulations of war of the United States.

Draft—how conducted.

SEC. 53. Whenever the commander-in-chief shall order a draft from the enrolled militia, as authorized by section fifty of this act, such draft shall be determined by lot, to be drawn by the auditor of the county, in the presence of the probate judge, commissioner, clerk, sheriff, or trustees of any ward, city or township, or any two of the same, within whose bounds such person may reside.

Exemptions.

SEC. 54. Any person so drafted may, within five days after receiving notice of the same, present to the county auditor of such county his certificate of exemption, or other proof of his non-liability to military duty, which shall be duly verified, and if such county auditor shall decide that such person is exempt, or not liable, he shall be discharged and another person shall be drafted in his stead, in accordance with the provisions of this act.

Substitutes.

SEC. 55. Any person so drafted in accordance with the above provisions, may offer a substitute at the time of the rendezvous of the drafted military force and militia, and such substitute, if he be an able-bodied man, of the age of eighteen years and upwards, and shall consent voluntarily to subject himself to all the duties, fines, forfeitures and punishments to which his principal would have been subject, had

he personally served, shall be accepted as a substitute for said principal.

Senior officer to command.

SEC. 56. The command of any military force called into service under the provisions of this act, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the commander-in-chief.

Printing and distributing of this act.

SEC. 57. The commander-in-chief shall cause one thousand copies of this act to be printed in book form, which books shall have attached to them all the necessary forms by which all returns shall be made of companies, regiments, squadrons, or battalions; also brigades and divisions; which pamphlets shall be distributed and forwarded to the county seats of the several regiments and companies, as other laws are.

Repealing clause.

SEC. 58. The act entitled "an act to organize and discipline the militia of Ohio, and to repeal an act therein named," passed March 31, 1864, and "an act to amend and supplementary to an act entitled 'an act to organize and discipline the militia of Ohio, and to repeal an act therein named,' passed March 31, 1864," passed April 12, 1865, and the first and sixth sections of the act entitled "an act to amend sections 34, 41, 65 and 66 of the 'act to organize and discipline the militia and volunteer militia,' passed March 28, 1857," passed May 1, 1862, be and the same are hereby repealed; provided, that until the enrollment provided for in this act shall have been completed, the existing enrollment of militia shall remain in force; and all commutations, fines and penalties, due and assessed, or for which any person may be liable under said act, shall be collected thereunder, or by the provisions of this act, and no suit, process, or proceeding pending to enforce and collect the same shall abate, but proceed to final determination, the same as if said act continued in force.

The existing enrollment to remain in force.

SEC. 59. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To amend the second section of the act entitled "an act to provide for admission without charge into the state universities and common schools of persons who, when minors, entered the military service of the United States," passed February 10, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the aforesaid act be so amended as to read as follows:

Section 2. It shall be the duty of the trustees of Miami University, at Oxford, and of Ohio University, at Athens, and

Minors who enlisted may attend state universities and public schools free of charge.

of the directors of the several sub-school districts of this state, to admit into said universities, and into any of the public schools, without charge, all persons who, when minors, so enlisted in the military service of the United States, and have been honorably discharged therefrom, and to extend to them all the privileges of said institutions, and schools, for and during a period, equal to the time they have spent in the said service, prior to their arrival at the age of twenty-one years, and such sum or sums of money shall be annually appropriated from the general revenues of the state, as shall be estimated to be necessary to compensate the said universities at Oxford and Athens, for the tuition afforded by them under the provisions of this act, and shall be paid out of the state treasury, upon the warrant of the state auditor, after said auditor shall have carefully examined and audited the accounts of tuition filed in his office by the proper officers of said institutions, allowing to them the same compensation, charged to other persons for like services, and in proportion to the time the same has been furnished.

Tuition to be paid out of the state treasury.

SEC. 2. Said second section of said act is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To authorize the erection, improving, enlarging, or constructing additions to town-halls, and to repeal an act therein named. (L. of 1864, page 58.)

Legal voters may vote for or against improving town-halls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters of any township, incorporated village, or city of the second class in this state, having a population not exceeding 16,000 inhabitants, may assemble on the first Monday of April in any year, at the usual place of holding elections in said township, incorporated village, or city of the second class, as aforesaid, and then and there decide, by ballot, for or against levying a tax on all the property subject to taxation in such township or incorporated village, or city of the second class, as aforesaid, for the purpose of erecting a town-hall, or for the purpose of improving, enlarging, or constructing additions to a town-hall already erected; provided, ten days' previous notice shall be given by the township clerk, on the order of the township trustees, (or the written request of not less than ten legal voters of the township,) by posting up printed or written notices in three of the most public places in said township; and in incorporated villages, and cities of the second class, said notices shall be given by the town or city council, by publication in some newspaper of general circulation therein.

SEC. 2. That every voter who is in favor of levying a tax on all the property of the township, incorporated village, or city of the second class, as aforesaid, for the erection of such hall, or for improving, enlarging, or constructing additions to town-halls already erected, as the case may be, shall endorse on his ballot "town hall," "improvement town-hall," "enlargement town-hall," or "addition town-hall," as the case may be; and if a majority of all the ballots cast at said election are endorsed as aforesaid, then the trustees of such township, council of such incorporated village, or city of the second class, shall on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township, incorporated village, or city of the second class, as aforesaid, as expressed at said election; and the county auditor shall levy a tax on all the property of such township, incorporated village, or city of the second class, standing on the grand list, for the purpose aforesaid, to enable the trustees of such township, the council of such incorporated village or city of the second class, to purchase a lot, if necessary, upon which to erect said hall. And it shall be lawful for the trustees of any township, council of any incorporated village, or city of the second class, in which a town-hall shall have been erected at any time, to levy a tax upon all the property of said township, incorporated village, or city of the second class, subject to taxation, for the purpose of painting, repairing or discharging any existing debt incurred in the erection or purchase of such hall, or in the improving, enlarging or constructing additions to such hall; provided, the amount of taxes under the provisions of this act shall in no case exceed two mills on the dollar in any one year, on the taxable property of any township, incorporated village, or city of the second class; and the tax so levied shall be collected by the county treasurer in the same manner, and at the same time, that state and county taxes are collected and by him paid, on the order of the county auditor, to the trustees of such township, or to the council of any incorporated village, or city of the second class raising the same.

Election—how conducted.

County auditor must levy tax.

Tax may be levied for improving hall, &c.

How tax collected.

SEC. 3. That said hall, and the grounds upon which it is erected, shall be under the control of the trustees of the township if erected by a township; and of the council, if erected by an incorporated village, or city of the second class; provided further, that all townships, incorporated villages, or cities of the second class, as aforesaid, that have heretofore voted for a town-hall under the provisions of the acts hereinafter repealed, and which have not yet levied the tax to build the same, are hereby authorized to levy said tax under the provisions of this act.

2 Curwen 1424.
Hall to be under control of trustees or council.

SEC. 4. That the act entitled "an act to amend the act entitled an act to authorize the erection of town-halls, passed February 24, 1848, and to repeal an act amendatory thereof, passed April 3, 1861," passed March 25, 1864, be and the same is hereby repealed.

Repealing clause.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To repeal "an act to amend the act to regulate the admission and practice of attorneys and counsellors at law," passed January 3, 1846, and took effect July 1, 1846. (S. & C., page 94.)

2 Curwen, 1192.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said above entitled act be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To authorize cities of the first class having a population of over one hundred thousand inhabitants to levy a tax for sewerage purposes.

Sewer fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the first class having a population exceeding one hundred thousand inhabitants, are authorized to levy a tax not to exceed one-half mill on the dollar valuation of the taxable property of such city, for the purpose of constituting a fund to be called the sewer fund, which fund shall be applied to the payment of the city's portion of the expense in constructing sewers.

SEC. 2. The city council shall have power to anticipate all or part of said levy in any one year by transferring other funds to the credit of the sewer fund.

SEC. 3. This act to take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To amend the first and second sections of an act entitled "an act to regulate the sale of real estate by religious societies," passed March 24, 1860. (S. & C. S., page 372) 4 Curwen, 3441.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first and second sections of the above recited act be so amended as to read as follows:

Section 1. That whenever any religious society shall desire to sell any real estate that may have been conveyed to such society and is held in trust for a specified religious purpose, it shall be lawful for the trustees, wardens and vestry, or other officers intrusted with the management of the affairs of such society, to file in the court of common pleas of the county where such real estate may be situated, a petition stating that such society desires to make such sale, setting forth the object of such sale; and if upon the hearing of such case it shall appear that such sale is desired by the members of such society, and that there is a necessity for the same, the court may authorize the trustees or other officers holding the title in trust, to sell said real estate, in such manner and upon such terms as the court shall deem reasonable. Religious societies may sell their real estate.

SEC. 2. The trustees or other officers authorized to make such sale, shall make return thereof to the court ordering the same at such time as the court shall order, and thereupon if the court shall be satisfied that the same has been made in all respects according to its order, and that the proceeds have been invested in other real estate for the use of such society, or otherwise invested or disposed of according to the wish of such society, the said sale shall be confirmed and a deed authorized to be made to the purchaser: provided, that the provisions of this act shall not extend to any grounds used or occupied as burial places for the dead. Trustees must make return of sale to court.

SEC. 3. That sections one and two of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

To amend section forty-nine of the code of civil procedure. (S. & C., page 960. O. L., volume 52, page 102.) 3 Curwen, 1946.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-nine of the code of civil procedure of the state of Ohio, be and the same is hereby amended so as to read as follows:

Section 49. An action against the owner of a line of mail stages or other coaches for an injury to person or property upon the road or line, or upon a liability as carrier, and any action against a railroad company, may be brought in any Actions against railroads for injury.

county through or into which such road or line, owned or leased by said owner or railroad company, passes.

4 Curwen, 2619.

SEC. 2. That an act entitled "an act to amend section forty-nine of the code of civil procedure of the state of Ohio," passed May 1, 1854, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

Supplementary to an act entitled "an act making provision for the incorporation of cemetery associations," passed February 24, 1848. (1st S. & C., 225.)

Trustees of cemeteries may buy additional grounds or dispose of unsuitable grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the trustees or directors of any cemetery association which is now established in any county containing a city of the first class to purchase, or receive by gift or devise, such additional quantity of land adjacent to their grounds, as said trustees or directors may by resolution deem necessary for the interests of such association; and it shall be lawful for such trustees or directors, whenever they may deem any portion or portions of their land unsuited to burial purposes, in case no interments have been made therein, to sell such portion or portions so deemed unsuited to burial purposes, to private persons for private uses but upon such sales, the lands so sold shall be returned upon the grand duplicate of the county for taxation.

SEC. 2. This act shall take effect and be in force from and after the passage thereof.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

2 Curwen, 1443.

To amend an act entitled "an act authorizing railroad companies to change their gauge or width of track in certain cases," passed March 24, 1852. (S. & C., vol. 1, page 331.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act authorizing railroad companies to change their gauge or width of track in certain cases," passed March 24, one thousand eight hundred and fifty-two, be so amended as to read as follows:

Railroad tracks must be of uniform gauges.

Section 1. That each railroad company now existing, or that may be hereafter formed in this state, shall be required to make every railroad constructed or controlled by said company, of one uniform gauge or width of track from end to end; and whenever either of the roads aforesaid shall connect with or cross any other road or roads, the companies owning or controlling each or either of said roads, may adopt such uniform gauge or width of track as will enable each of said companies to pass the same cars over each of said roads respectively; and in case any such road so connecting or crossing as aforesaid, shall be or may have been constructed of different gauges or widths of track, it shall be lawful for either or both of such railroads to lay down and maintain, upon the whole or any portion of such road or roads, an additional rail or rails so as to admit the passage of the same cars over both, and also in addition thereto, to maintain and operate either or both of such roads upon the track or tracks originally constructed, as shall be deemed expedient by the company or companies owning or controlling either or both of said roads.

SEC. 2. Section first of the act entitled "an act authorizing railroad companies to change their gauge or width of track in certain cases," passed March 24, one thousand eight hundred and fifty-two, be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

To authorize the incorporation of boards of trade and chambers of commerce.

Board of trade or chamber of commerce.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than twenty, being citizens of the state of Ohio, and residents of any town or city in said state, may associate themselves together as a board of trade or chamber of commerce, with all the privileges and powers conferred, and subject to all the restrictions of this act.

Name, business, &c., must be certified to and forwarded to secretary of state.

SEC. 2. That the persons associating themselves together as a board of trade or as a chamber of commerce under this act, shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known, the name of the county, town or city in which the same is situated, and its business transacted, and the objects of the association. Such certificate shall be acknowledged before a notary public, or any officer authorized to receive the acknowledgment of deeds, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office; and a copy thereof duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such association.

When board may commence business.

SEC. 3. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, and such other persons as may afterwards join them, are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of said act, and they and their associates, successors and assigns, by the name and style specified in said certificate, shall thereafter be deemed a body corporate with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, to make and use a common seal, and change or alter the same at pleasure, to purchase, hold, sell and convey any real estate or personal property necessary for the objects of such association.

Officers—how elected.

SEC. 4. The officers of such boards of trade or chambers of commerce shall be a president, six vice presidents, a secretary and a treasurer, all of whom shall be members of the association and engaged in business in or be residents of the city or town wherein it is established. These officers shall be elected by ballot of the members, at the annual meeting of the association, and shall constitute the board of directors, and shall hold their offices for one year or until their successors are chosen and qualified.

Committees.

SEC. 5. Said corporation may constitute and appoint committees of reference and arbitration, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in rules or by-laws for the settlement of such matters of reference as may be voluntarily submitted for arbitration by members of such association, or by other persons not members thereof.

Bond and oath may be required of officers.

SEC. 6. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected or appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president, vice president or secretary are hereby authorized to administer such oaths of office as may be prescribed in the by-laws of such corporation; such bond or bonds shall be made payable and conditioned as prescribed by the by-laws of such corporation, and may be sued, and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.

Meetings for election of officers.

SEC. 7. The annual meeting of such boards of trade or chambers of commerce for the election of officers and other purposes, shall be held at such time in each year as the association shall by their by-laws prescribe. But if, for any cause, a failure to hold such annual meeting shall occur, then the annual meeting and election of officers may be held at such time and place as may be appointed by a majority of the board of directors, upon thirty days notice by the president or secretary, being published in any newspaper of general circulation in the town or city where such corporation may be located. Meetings of the directors and the business meetings of such association shall be held in accordance with the by-laws of such association.

Business meetings.

Power and duties of directors.

SEC. 8. The board of directors shall control, manage and conduct the financial and business concerns of the association. They shall annually, one month after their election, or at any other meeting of their body thereafter, appoint such inspectors, gaugers, weighers, measurers, and other officers and employees as the by-laws may require, or as they may deem expedient and necessary for the term of one year, subject to removal at the discretion of the board.

Inspectors, gaugers, weighers, &c.

SEC. 9. Every inspector, gauger, weigher, or measurer appointed by any association organized under this act, shall be recognized as a legally appointed officer, for the duties pertaining to his position, in the city and county wherein such association may be located, and shall be subject to all the provisions and penalties of the laws of this State. The certificate of such appointee, as to his official acts, shall be evidence and binding upon the persons interested.

By-laws.

SEC. 10. All boards of trade or chambers of commerce organized under this act, may ordain and establish such by-laws for their own government and the regulation and management of their affairs as may be adopted by a majority of its members present at any regular meeting, not inconsistent with this act, and the constitution and laws of the United States and the state of Ohio.

Powers and privileges granted.

SEC. 11. Any board of trade or chamber of commerce heretofore organized in this state, may avail itself of the privileges and powers, in whole or in part, conferred by this act, by making a certificate of its adoption thereof, under its seal, and attested by the signature of the president and secretary; which said certificate shall be filed in the office of the secretary of state, and recorded in the county where such board or chamber may exist, and when so recorded shall confer all the privileges and powers so defined.

SEC. 12. This act shall take effect from and after its passage, and all acts or parts of acts in conflict with this act, are hereby repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

To repeal an act entitled "an act supplementary to an act to enable the qualified voters of cities and incorporated villages which are divided into election districts and wards of this state, who may be in the military service of this state or of the United States, to exercise the right of suffrage," passed March 23, 1864, passed March 31, 1865. (Vol. 62, page 78, O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "an act supplementary to an act to enable the qualified voters of cities and incorporated villages which are divided into election districts and wards of this state, who may be in the military service of this state or of the United States, to exercise the right of

suffrage," passed March 23, 1864, passed March 31, 1865, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

To provide for the appointment of an assistant adjutant general.

Assistant adjutant-general.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That one of the clerks in the office of the adjutant general shall be appointed by the governor as assistant adjutant general, with the rank of colonel, who, in addition to performing the duties of clerk, shall be authorized to sign officially any copy, transcript, certificate, or other document pertaining to the records or duties of the office of the adjutant general; provided that no increase of compensation shall be allowed by reason of said appointment as assistant adjutant general.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To authorize the board of public works to lease land in Cincinnati.

Board of public works may extend lease of land in Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works is hereby authorized to extend the lease of land at lock No. 1, in Cincinnati, heretofore made, and lease in addition thereto so much of the adjoining land owned or under the control of the state as may not be necessary to the navigation and maintenance of the canal, for such time and upon such terms as the said board may deem just and proper.

SEC. 2. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To amend section three of an act entitled "an act further to prescribe the duties of county commissioners," passed and took effect April 8th, 1856. [S. & C. Stat., 249.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be amended so as to read as follows:

Bridges destroyed may be rebuilt without submitting to legal voters.

Provided also, that in all cases where, by freshet, fire, tempest, or other casualty, any bridge or bridges in any county has been or shall be destroyed, in whole or in part, so as to impede or render unsafe the public travel, and in the opinion of the county commissioners of such county the exigencies of the public and the safety of public travel will not admit of the delay in building or restoring such bridge or bridges as may be required for the purpose of submitting the question to the voters of such county, as is above provided, then, and in such case, it shall be lawful for the commissioners of such county, without first submitting the same to the voters of the county, to borrow any sum of money which may be necessary to rebuild or restore such bridge or bridges, not exceeding the sum of fifteen thousand dollars; for the payment of which loan the said commissioners may issue such county bonds or certificates of indebtedness as may be agreed upon by themselves, and the person or persons with whom, or of which such loan or any part thereof may be contracted, bearing interest, and redeemable at such time and place as the said commissioners may designate on the face of such certificate or bonds; and for the payment of the interest on, and for the final redemption of such loan, the said county commissioners are authorized annually to levy a tax in addition to any tax now or hereafter authorized by law for bridge purposes, not exceeding one mill on the dollar valuation, until the interest and principal shall be paid. That whenever any one or more of the principal public highways have been so greatly damaged, or entirely destroyed by freshet, land slide, wearing or changing of water course, or other unavoidable casualty, on or near the lines of two or more counties, which said counties shall be traversed by the road or roads so damaged, the commissioners of said counties interested shall repair such damages by erecting a bridge or bridges, changing said road, or by earth work, as said commissioners may deem expedient, to be paid for in equal proportions by said commissioners.

Commissioners may borrow money and issue bonds.

When road runs near two or more counties, each county to pay its proportion.

Section 3. That the county commissioners shall not hereafter make any purchase, or enter into any contract or engagement for the erection of any infirmary, court-house, jail, bridge, culvert, or any other public building or improvement, by which a larger amount of money or expense is involved than ten thousand dollars, without first submitting the question as to the policy of such outlay or expense involved therein to the qualified voters of the county, either at the annual spring or fall election, by giving public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, and by handbills to be posted up in at least five public places in each township and ward in said county, one of which hand-bills

All contracts exceeding ten thousand dollars must be submitted to legal voters.

shall be posted up on the day of such election at each of the places for holding such election; and all purchases hereafter made, or contracts entered into for any such public building or improvements, involving an expenditure as aforesaid, shall be absolutely void as against said county, unless the policy of such outlay or expense shall first have been approved by a majority of the votes cast at such election: provided, that nothing in this section shall be so construed as to prevent the commissioners of any county from making and entering into any contract, and appropriating, without a vote, any money now remaining in the treasury to the purpose for which such money was assessed and collected.

SEC. 2. That section three of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect upon its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To amend an act entitled an act "to restrain dogs from running at large at night, and for the protection of sheep," passed March 24th, 1863. [Ohio Laws, Vol. 60, page 26.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to restrain dogs from running at large at night, and for the protection of sheep, passed March 24, 1863, be amended so as to read as follows:

Section 1. That it shall be unlawful for any dog or dogs to run at large off the premises of the owner or owners, unless accompanied by the person or persons so owning, keeping or harboring or having the same in charge. The owner or owners, keeper or keepers, or harborer of any dog is hereby required to keep the same upon his, her or their premises, except as aforesaid; any person or persons owning, keeping or harboring any dog or dogs, who shall neglect or refuse so to do, shall be liable to a fine of five (5) dollars for each and every offense, to be collected with costs of prosecution before any justice of the peace having jurisdiction.

Dogs not allowed to run at large unless accompanied by owner.

SEC. 2. That any dog or dogs found running at large, off the premises of the owner or owners, keeper or harborer, unless accompanied by the person or persons so owning, keeping or harboring the same, may be killed; and if any person shall kill, wound or destroy any dog or dogs so found unlawfully running at large, the person or persons so killing, wounding or destroying the same, shall not be liable in damages to the owner or owners, keeper or keepers, or harborer of such dog or dogs.

When dogs may be killed.

SEC. 3. That when any two or more dogs belonging to different owners are found killing, injuring or worrying any sheep or lambs, the owner or owners, haborer or harborers,

of such dogs shall be held jointly and severally liable to the party injured for all damages done by such dogs.

Sheep killed or injured by dogs—owners of dogs liable.

SEC. 4. The word dog, as used in this act, shall be held to include any animal of the dog kind.

SEC. 5. That the act entitled "an act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24th, 1863, be and the same is hereby repealed.

SEC. 6. That this act shall take effect and be in force from and after the first day of May next.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To amend section twenty-two (22) of the act to provide for the organization, supervision and maintenance of common schools.

3 Curwen, 2217.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two of the act "to provide for the organization, supervision and maintenance of common schools," as amended March 18, 1864, be so amended as to read as follows:

Section 22. It shall be the duty of the board of education of any organized township of the state annually to determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the township for school and school-house purposes, including the sustaining of teachers in central or high schools, the prolonging of the terms of the several sub-district or primary schools, after the state funds have been exhausted, the erecting, repairing, or furnishing of school-houses, and any other school purposes, not exceeding five mills, as follows: Not exceeding two mills on the dollar of the taxable property of the township for school-house purposes, including erecting, enlarging and repairing of school-houses and purchase of sites, and not exceeding three mills on the dollar of the taxable property of the township for all other of the purposes aforesaid, and if any board of education shall in any one year fail or refuse to estimate and certify a levy or levies sufficient to provide for six months tuition in their district, or to provide a suitable school-house in each sub district, it shall be the duty of the county commissioners of the county within which such district is located, upon being advised and satisfied thereof, to estimate and cause said levies to be made and entered upon the tax duplicate the same as could have been done upon the estimate and certificate of such board; provided, that if in the opinion of the township board of education, a greater tax than the aforesaid two mills shall be necessary, during any year, for the purpose of purchasing sites or erecting school-houses, or for both purposes, the board shall call a special

Estimate of levy for school purposes.

When greater tax required, legal voters must decide.

meeting of the qualified voters of the school district over which they have jurisdiction, which meeting shall be called and held in the manner prescribed in the preceding section, and shall decide by vote the question whether such greater tax, or any other greater tax for said purposes, than the aforesaid two mills on the dollar, shall be raised. These several amounts of money so estimated or decided upon, the board shall make known by certificate in writing, on or before the first Monday in June, in such year, including any tax which may have been voted by a special meeting of electors, as provided in the preceding section, to the auditor of the proper county, who shall thereupon assess the entire amount of such estimates on all the taxable property of the township not included in any city or incorporated village, or territory annexed thereto forming any special district, to be entered by said auditor on the tax duplicate of the county, and collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; and when collected shall be paid over to the treasurer of the proper township, on the order of the county auditor; and said county treasurer shall be entitled to receive for collections one per cent. on all moneys by him collected for school purposes, and no more; provided that boards of education in cities and incorporated villages, organized and governed, with the territory annexed to the same for school purposes, by the provisions of the act to which this act is amendatory, or by the act for the better regulation of public schools in cities, towns, etc., passed February 21, 1849, or by the act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto, shall have the power to levy taxes for school and school-house purposes, not exceeding four mills, and to call a special meeting of the qualified voters, to decide the question whether a greater tax for school-house purposes than the aforesaid four mills shall be levied, as is herein conferred upon boards of education in townships.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To prohibit the erection of any rolling mill, blast furnace, nail factory, copper smelting works, boiler factory or petroleum oil refinery, within one hundred and twenty rods of any of the state benevolent institutions.

Unlawful to erect certain manufacturing establishments near benevolent institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons, or any incorporated company, to erect, within one hundred and twenty rods of any of the state benevolent institutions of Ohio, any rolling mill, blast furnace, nail factory, copper smelting works, boiler factory, petroleum oil refinery, or any other works which shall have a tendency to

generate unwholesome or noxious odors or make loud noises, which may annoy or endanger the health or prevent the recovery of the inmates of said institutions: Provided, however, that it shall be lawful for any person or persons to file his or their petition in the court of common pleas in any county wherein any such state benevolent institution is located, setting forth his or their desire to erect, at a less distance than that prohibited herein, naming the precise point, any of the establishments hereinbefore named, or any other works which might have a tendency to generate unwholesome or noxious odors, or in any way annoy or endanger the health or prevent the recovery of inmates of said institution, and the reasons and circumstances, in his or their opinion, why the erection thereof would not so annoy or endanger the health or convenience, or endanger the recovery of the inmates of said institution; and shall give notice in some newspaper of general circulation in said county, of the pendency and prayer of such petition, for at least six consecutive weeks previous to the term of the court next to be holden in said county, and shall furthermore serve a written notice upon the superintendent of said institution at least thirty days before the day set for the hearing of such petition; thereupon, if upon the hearing of said petition it shall appear that due notice has been given as herein required, and the court shall be of opinion that there exists no good reason why such establishment might not be so erected, and that by the erection thereof at the point named, such institution will sustain no detriment, the court may issue an order granting the prayer of said petitioner or petitioners; and thereafter he or they may proceed to locate such establishment at the point named in his or their said petition, the same as if this law had not been passed.

Proviso

SEC. 2. Every person or incorporated company which shall violate any of the provisions of this act, for every such offense shall forfeit and pay not less than one hundred dollars nor more than five hundred dollars, to be recovered in the name of the state of Ohio, before any court of competent jurisdiction; which forfeiture, when collected, shall be paid into the state treasury for the benefit of such institution, and such person or company shall pay like forfeiture for every period of one week during which said business shall be wholly or in part continued after suit shall have been brought to collect the first forfeiture, to be collected as aforesaid.

Penalty for violating this act.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To establish a temporary home for Ohio soldiers.

WHEREAS, Through the efforts of the lamented governor John Brough, the United States hospital, known as "Tripler Hospital," was donated by the general government to the state of Ohio for a "Soldiers' Home," and subsequently accepted on the part of the state by its late governor, Charles Anderson; and,

WHEREAS, A Home was thereupon established, and has since that time been carried on with means generously tendered and paid by the Cincinnati and Cleveland branches of the United States sanitary commission, and other benevolent societies and individuals; and,

WHEREAS, Said Home has now nearly two hundred inmates who were disabled in their country's service, and are without homes, or the means of support; and,

WHEREAS, The action of ex-governors Brough and Anderson, in accepting said donation and allowing the use of the property thus donated for the purposes of said Home, and in appointing trustees to manage the same, is approved by the general assembly: Therefore, to adopt said Home by law as a state institution,

Governor to appoint five trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the governor, on the passage of this act, to appoint, by and with the advice and consent of the senate, five trustees, whose term of office shall continue for one year, two of whom shall be residents of the city of Columbus, whose duty it shall be to take possession, charge and control of the grounds, buildings and property of the state now being used as a soldiers' home, and located near the city of Columbus, and which ground is known as the state quarry land, and for the purpose of furnishing temporary relief to deserving and disabled Ohio soldiers, who are, or may become necessitous, shall then provide a temporary home and hospital for such soldiers, for such time as they shall find such provisions necessary, not exceeding one year from the passage of this act, and provide for them comfortable quarters, good and wholesome food, and sufficient and comfortable clothing, necessary medical attention, and such instruction as they may deem best during such time as they shall remain disabled and necessitous.

Oath required of trustees.

SEC. 2. Before entering on the discharge of their duties, the trustees shall take and subscribe an oath or affirmation to support the constitution and laws of the United States, and the state of Ohio, and to faithfully discharge the duties required of them by this act, which duties they shall perform gratuitously; provided, that they shall have their necessary expenses paid during the time they are actually engaged in the discharge of their official duties under this act, such payment to be made out of the state treasury, as in other cases provided by law.

Meeting and election,

SEC. 3. The trustees shall meet at the Home within ten days after their appointment, and shall at their first meeting elect one of their number president, and another secretary.

The president shall preside at all their meetings, and the secretary shall keep a full and accurate record of all their proceedings in a book to be kept for that purpose.

Superintendent, surgeon, steward and matron; their appointment and salary.

SEC. 4. The trustees shall appoint a superintendent, and, on the nomination of the superintendent, a surgeon, a steward and matron, and shall fix their annual salaries, not exceeding the following, to be paid quarterly: Superintendent, $1200; surgeon, $1200; steward, $800; matron, $400. The trustees shall assign all the resident officers' rooms at the Home. They shall also, in connection with the superintendent, make rules and regulations for the government of the Home.

Visits, &c., by trustees.

SEC. 5. It shall be the duty of one or more of the trustees to visit the Home monthly, and all or a majority of them quarterly, and at such monthly or quarterly meetings, examine the accounts and vouchers of the steward, and certify their approval or disaproval on the page of his monthly balances; and in the book of record of the proceedings of the board, shall be stated the fact that such examination has been made, by whom made, and the result of such examination.

Special meetings of trustees.

SEC. 6. Special meetings shall be held on the written request of the president, or of two members of the board, of which ten days' notice shall be given each member in writing by the president, stating the object of the meeting.

Board to report to governor.

SEC. 7. At the close of the present year, or at any time when the Home is closed, if sooner than that, the board shall make to the governor a report of all matters of interest connected with the institution, embracing a full report of all receipts and disbursements of money connected therewith.

SEC. 8. The trustees may remove, for sufficient cause, any of the officers whom they are required to appoint by this act.

Trustees not eligible to office of superintendent.

SEC. 9. No trustee or other officer of the Home, shall be directly or indirectly interested in the purchase of any thing for the Home; nor shall any trustee be eligible to the office of superintendent during the term for which he was appointed

Duties of superintend'nt.

SEC. 10. The superintendent shall be the executive officer of the Home; shall, subject to the trustees, have full control of the other salaried officers, and of all the employees and inmates of the Home, and of the grounds; shall see that the several officers and employees faithfully discharge their duties, and that the interests of the state are fully protected, and the comfort and well-being of the inmates fully cared for, as provided in this act; and he shall also employ such cooks, nurses, and other help as may be needed for the good of the inmates and to protect the interests of the state; provided, that before hiring persons, not inmates of the Home, he shall first require of the inmates such labor as they shall be able to do.

Duties of steward.

SEC. 11. The steward, under the direction of the superintendent, shall make all purchases for the Home, when and where they can be best and cheapest made, keep the accounts, taking vouchers for each item of expenditure, pay those in the employ of the Home, superintend the farm and garden,

and perform such other duties as the superintendent or trustees may direct.

Bond required of steward.

SEC. 12. The steward shall execute a bond, with two sufficient sureties, to be approved by the trustees and attorney-general, in the penal sum of three thousand dollars, conditioned that he will faithfully perform the duties of his office, and pay over, or properly account for, all moneys that may come into his hands in his official capacity.

Duties of matron.

SEC. 13. The matron, under the direction of the superintendent, shall take the personal direction of the domestic arrangements of the Home, and shall care for and nurse the sick to the extent of her ability.

Trustees may receive donation, grant of land, &c.

SEC. 14. The trustees and their successors in office, may receive and hold in trust, for the use and benefit of the Home, any grant or devise of land, or any donation or bequest of money or personal property, to be applied to the use and benefit of the Home, or of disabled or necessitous Ohio soldiers.

Treasurer of state may advance certain amount of money to institution.

SEC. 15. The treasurer of the state may, from time to time, advance to the steward, on his own order, approved by the superintendent and two trustees, on a warrant of the auditor drawn as in other cases for the payment of money out of the treasury, a sum not exceeding fifteen hundred dollars for current expenses; of the expenditure of which sum so advanced, he shall keep in a book for that purpose a detailed account, which account shall be open to the inspection of the superintendent and trustees at all times, and shall settle the same with the superintendent and trustees monthly and quarterly, or oftener if required, and shall account for the whole fifteen hundred dollars before another order is approved.

Who admitted to Home.

SEC. 16. Soldiers shall be admitted to the Home on proof that they served in the late war in Ohio regiments, or were citizens of Ohio at the time of enlistment, and that they are, at the time they seek admission, necessitous from physical disability; provided, that no deserter or mutineer, or soldier who shall have been duly convicted of felony or other infamous or disgraceful crime, after his muster into the United States military service, or been dismissed from the Home on account of bad conduct, shall be admitted, except upon evidence satisfactory to the superintendent or trustees of such subsequent good conduct and reformation or service, as the superintendent or trustees may deem sufficient to justify such admission.

Debts due the Home—how collected.

SEC. 17. For all debts due the Home, or which may become due, an action may be maintained in the name of the superintendent, and in such action the plaintiff shall be styled "The Superintendent of the Ohio Soldiers' Home;" and prosecuting attorneys and the attorney-general, shall, on the request of the trustees, attend to such suits, and shall receive five per cent. on all sums collected as compensation.

No liquors allowed, except prescribed by surgeon.

SEC. 18. No liquors of any kind shall be allowed the inmates or employees, except when prescribed by the surgeon as medicine, nor be permitted to be brought by them or any other person within the grounds of the Home; and any violation of this section by an inmate of the Home, shall render him liable to expulsion from the Home by the superintendent;

and any other person violating this provision, shall, on conviction (for each offense), be fined not less than fifty nor more than two hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, or both, at the discretion of the court. It shall be unlawful for any person to sell liquor to any inmate of the Home, and any person so doing, shall, for each offense, on conviction thereof, be fined not less than ten nor more than fifty dollars, or be imprisoned in the county jail not less than ten nor more than twenty days, or both, at the discretion of the court.

Persons selling clothing or injuring property, to be dismissed from Home.

SEC. 19. Any inmate of the Home who shall sell or otherwise dispose of any clothing drawn from the Home, or who shall sell, dispose of, injure, or destroy any property of the Home, or of any inmate thereof, or shall be guilty of conduct subversive of good order and discipline, shall, in addition to any penalties to which existing laws would make him liable, be liable to be dismissed by the superintendent.

Kind of clothing furnished.

SEC. 20. The clothing furnished the inmates of the Home, shall be the uniform and clothing furnished the privates of the United States regular army.

Appropriation for current expenses, &c.

SEC. 21. To carry out the purposes of this act, there is hereby appropriated from the soldiers' relief fund, the sum of seventy-five thousand dollars, which shall be paid from the treasury as already provided in this act, or to parties to whom the Home may become indebted under contracts for supplies, materials or labor, in which latter case the contractor shall be required to furnish a copy of the contract duly signed by the steward and approved by the superintendent, with the certificate thereon of the steward and superintendent, that it has been fully and faithfully complied with.

Not more than five (5) thousand dollars of the money herein appropriated shall be expended on buildings or grounds, nor shall any part of this appropriation be used in laying foundations for permanent buildings, or in making provision for such building, or for any other than the current and necessary expenses of the Home, nor more than eight thousand dollars to pay expenses incurred prior to the passage of this act; provided, that by order of the trustees, such sum of money as may be necessary, not exceeding seven thousand five hundred dollars, may be expended in the purchase of engine, building and fixtures necessary for supplying the Home with water for sanitary purposes, and for carrying on a laundry.

Building fund.

SEC. 22. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

1 Curwen, 126; 4 Curwen, 2879.

To amend the act entitled "an act to amend the act entitled 'an act to prevent nuisances,'" passed February 27, 1834. (S. & C. Stat.. Vol. I., page 879.)

SECTION 1. *Be it enacted by the General Assembly of the State State of Ohio*, That if any person or persons shall put the carcass of any dead animal, or the offals from any slaughter-house or butchers' establishment, packing-house or fish-house, or any spoiled meats, or spoiled fish, or any putrid animal substance, or the contents of any privy vault, upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space or common, or if the owner or owners, occupant or occupants thereof, shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this state, or any of them, or shall neglect or refuse to remove or abate the nuisance occasioned thereby, within twe. ty-four hours after knowledge of the existence of such nuisance upon any of the above described premises, owned or occupied by him, her or them, or after notice thereof in writing, from the street supervisor, constable, any trustee, or health officer of any township in which such nuisance shall exist, every such person shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than one nor more than fifty dollars, and pay the costs of prosecution. And if said nuisance be not abated within twenty-four hours thereafter, it shall be deemed a second offense against the provisions of this act, and every like neglect of each twenty-four hours thereafter, shall be considered an additional offense against the provisions of this act; provided, that the officer before whom the complaint is made, is authorized, upon good cause shown, to grant a further and reasonable time, not exceeding five days, for the abatement or removal of any of the nuisances named in this act. And, provided further, that the said owner or owners, occupant or occupants, shall not be liable to the penalties provided in this section, during the further time so granted by said officer.

Unlawful to deposit dead animals, offal, &c., in rivers, creeks, roads, &c.

Penalty.

SEC. 2. That the act entitled "an act to amend the act entitled 'an act to prevent nuisances,'" passed February 27, 1834, be and the same is hereby repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Relative to the establishment of the Ohio agricultural and mechanical college.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of Ohio, *ex officio*, the presi-

dent of the Ohio state board of agriculture, *ex officio*, and five other persons, so chosen as to represent all the industrial classes of the state, to be appointed by the governor, with the consent of the senate, are hereby constituted a board of trustees, whose duty it shall be to receive proposals and report to the next session of this general assembly, such proposals as may have been received, and their opinion as to the place for locating an agricultural and mechanical college for the state of Ohio, in accordance with an act of congress, approved July 2, 1862, entitled "an act donating lands to the several states and territories, which may provide colleges for the benefit of agriculture and the mechanic arts."

Trustees may receive proposals, and report opinions to general assembly.

SEC. 2. Said trustees are hereby authorized to receive proposals for donations of land, buildings and money in trust for the state of Ohio, for the location and establishment of a college as contemplated by the act of congress referred to in the first section of this act.

SEC. 3. The trustees shall receive no *per diem*, but shall have all their necessary expenses paid while actually in the service of the state.

SEC. 4. This act shall take effect from and after its passage, and the governor shall immediately thereafter notify said persons of their appointment, and designate a day for their meeting in the city of Columbus, for the organization of said board.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Supplementary to an act entitled "an act for the incorporation of townships," passed March 14th, 1853. (S. & C. 1565.)

3 Curwen, 2261.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this state, which has been, or shall hereafter be lawfully laid off and designated, are hereby authorized and empowered to convey by proper and necessary deed for that purpose, any real estate which may have heretofore been contracted to be sold and conveyed by the trustees of such township, whenever the contract price of such real estate shall have been fully paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Authorizing the appointment of metropolitan police commissioners in cities of the first class, with a population of less than one hundred thousand inhabitants at the last federal census.

Cities of first class of less than 100,000 inhabitants, may establish metropolitan police.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all powers and duties connected with and incident to the government and discipline, in cities of the first class with a population of less than one hundred thousand inhabitants at the last federal census, shall be as hereinafter more especially provided, vested in and exercised by a board of metropolitan police in each city, composed of four commissioners of metropolitan police, together with the mayor of said cities, who shall be, *ex officio*, a member of said board, a majority of whom shall constitute a quorum for the transaction of business.

Commissioners—how appointed.

SEC. 2. Immediately upon the passage of this act, and thereafter, from time to time, as required by this act, there shall be appointed by the governor, by and with the consent of the senate (provided during any recess of the senate the governor may appoint, subject to the thereafter consent of the same,) from the qualified electors in each of said cities, four freeholders, who, together with the mayor, *ex officio*, shall be the chief officers of said metropolitan police, one of which commissioners so appointed by the governor, shall hold office for the term of two years, and which shall expire on the first day of May, eighteen hundred and sixty-eight (1868,) one of which commissioners so appointed shall hold office for the term of four years, and which shall expire on the first day of May, eighteen hundred and seventy (1870,) one of which commissioners so appointed shall hold office for the term of six years, and shall expire on the first day of May, eighteen hundred and seventy-two (1872,) one of which commissioners so appointed shall hold office for the term of eight years, and shall expire on the first day of May, eighteen hundred and seventy-four (1874.)

—their term of office.

SEC. 3. The term of office of each of said commissioners of metropolitan police, after the respective termination of the terms aforesaid, shall be eight years, and the governor shall appoint, by and with the advice and consent of the senate, (provided, that during any recess of the senate the governor may appoint, subject to the thereafter consent of the same,) from the qualified electors and freeholders of said city, a successor to the person whose term shall be about to expire as such commissioner. Any vacancy caused by the death, removal, or resignation of any commissioner in said board, shall be filled for the unexpired term by the governor, as aforesaid.

Vacancies filled by governor.

Oath required of commissioners.

SEC. 4. The persons severally appointed commissioners of metropolitan police by virtue of this act, shall before exercising the duties thereof, be duly sworn to a faithful performance of the same, and file in the office of the secretary of state a certified copy of said qualification.

SEC. 5. The said board of metropolitan police shall at any time have power to appoint a superintendent of the police

force, a captain of police, and one captain in addition for each fifty patrolmen called into service more than the first fifty, and a sergeant of police to each twelve patrolmen, and also regular or compensated patrolmen not exceeding one to each one thousand inhabitants as shown by the last federal census: provided, that the number of said patrolmen may be increased by and with the consent of the city council; and provided also, that the said board shall have the power, in cases of emergency, to appoint as many special patrolmen as they may think proper, but such appointment shall be reported to and be subject to the action of the city council at its next meeting. The board may, from the patrolmen, appoint detectives, not exceeding three in number, who shall act as secret police or detectives, and may each receive an additional compensation of one hundred dollars per year; and when from any cause a vacancy shall exist in the number so first appointed, the board may appoint to said vacancy the patrolmen which the record required to be kept, as hereinafter provided, shall show to be most meritorious. Said board shall also have power, for cause to be assigned on a public hearing, and on due notice according to rules to be promulgated by them, to remove or suspend from office, or for a definite time deprive from pay, any member of such police force, to make rules and regulations for the discipline and government of said force, and shall cause the same to be published; and to make and promulgate general and special orders to said force, through the superintendent of police.

Appointment of superintendent, captain and patrolmen.

—and detectives.

Board may have power to remove, suspend, &c., any member of police force.

SEC. 6. The said board shall appoint one of their own number to act as president, and some other person to act as secretary, and the secretary shall receive such annual salary as may be determined upon by the board of police, and shall perform such duties as are hereinafter provided, and shall hold his office during the pleasure of said board.

President and secretary of board.

SEC. 7. Said board shall assume and exercise the entire control of the police force of said city, and shall posses full power and authority over the police organization, government, appointments and discipline within said cities. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within the said city, as for purposes of police the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines, and provide for the cost thereof.

Board to have entire control of police force.

SEC. 8. It shall be the duty of the board of police and of the force hereby constituted, at all times of the day and night, within the boundaries of the said cities, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of persons and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to report all leaks or other defects in water-pipes and sewers to the

General duties of police. Qualifications, suspensions, removals, &c.

proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings and railway stations, and generally to obey and enforce all ordinances of the city council, criminal laws of the state and the United States. Whenever any crime shall be committed in said cities, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police may, in their discretion, authorize any person or persons belonging to the police force to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court having jurisdiction of the offense, for trial.

SEC. 9. The qualification, enumeration and distribution of duties, mode of trial and removal from office of each member of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police; and no person shall be appointed to or hold office in the police force aforesaid, who is not a citizen of the United States, and a resident of the state of Ohio, or who shall ever have been convicted of crime; and provided, that no person shall be removed therefrom except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him; and provided, that whenever any vacancy shall occur in the office of captain of police, the same may be filled by an appointment from among the persons then in the force as sergeants of police, and a like vacancy in the office of sergeant of police may be filled by appointment from among the persons then in office as police patrolmen. The police commissioners shall receive no compensation for their services during their term of office. The superintendent of police shall receive a salary of not exceeding fifteen hundred dollars per annum. Each captain shall receive a salary of not exceeding one thousand dollars per annum; and each sergeant a salary not exceeding nine hundred dollars. The pay of each police patrolman shall not exceed the sum of eight hundred dollars per annum. The pay in all cases shall be fixed by said board of metropolitan police commissioners. The salaries shall be paid monthly to each person entitled thereto. No member of the board of police or of the police force shall receive, or share in, for his own benefit, under any pretence whatever, any present, fee, gift, or emolument for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of metropolitan police; nor shall any such member receive or share in any fee, gift, or reward from any persons who may become bail for the appearance of any arrested, accused or convicted person, or who [may] become surety for any such person on appeal from the judgment or decision

Vacancy in office of captain, how filled

No compensation to commissioners.

Salary of superintendent, captain, patrolmen, &c.

Fees, gift, present, &c., to police forbidden, except by consent of board.

of any court or magistrate, or any fee, gift or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county in which such cities may be situated; nor shall any such member, either directly or indirectly, interest himself or interfere in any manner whatever, in the employment or retainer of any attorney to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the person so offending shall be immediately removed from the police force.

Charges against policemen—trial, suspension, &c.

SEC. 10. Any citizen of such city, with a view to the trial and suspension or removal from office of any officer or patrolmen of the police force, may on oath, in writing, prefer or make before the board, charges or complaint touching the character and competency, or affecting the acts, conduct or omission of such officer or policeman, or for violation of or misconduct, as defined or prescribed by the rules and regulations of the board; and said board, after reasonable notice, in the discretion of the board, to the person charged, shall proceed to the trial of said officer or policeman on such charges or complaint, and shall have power to and shall issue subpœnas, attested in the name of the president of the board, to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purposes of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. If, on such trial, said charges or complaint shall be sustained, such officer or policeman shall pay the cost of such proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension, his pay shall also cease from the date of the charges and during the period of suspension. In trials under this section, the same costs shall be charged and taxed as in trials before justices, and be collected on execution, to be issued by the police clerk of said cities on certificate of the same by the board, and order for execution, said costs when collected to be paid to the treasurer of the board for the benefit of those concerned; but the said board shall not tax or receive any fees for themselves or for any member thereof.

Rewards, fees, &c., how disposed of.

SEC. 11. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the board of police, to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed property or money shall be paid into the city treasury, and shall constitute a fund to be called the "police life and health insurance fund," and the persons who shall, from time to time, fill the office of president of the board of police and that of the treasurer of the cities, are hereby declared the trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

SEC. 12. Whenever any member of the police force in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses during the time his disabilities, as aforesaid, continue and consequent thereon, may be paid from the fund provided for in the preceding section, at the discretion of the said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon said fund is correct, may, in writing, order the same to be paid by the draft of the said trustees upon the said fund, each trustee writing his signature thereto; but the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

When police may enter buildings, ship, boat, &c.

SEC. 13. The superintendent, deputy superintendent or any captain of police having just cause to suspect that any felony is being, or is about to be committed within any building, public or private, or on any wharf or enclosure, or on board of any ship, boat or vessel within said city, may enter the same at all hours of the day and night, to make all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody, all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there, just cause to suspect has been stolen. The members of said police shall also serve or execute any criminal process issued by the police court of said city or cities.

Board may divide city into precincts, and establish stations, &c.

SEC. 14. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline to divide the said cities into precincts without regard to ward boundaries, and to assign captains of police and sergeants of police to each of the said precincts as they shall deem for the best interest of said cities. The board may, from time to time, establish a station or substation in each precinct or division for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police: and it shall be the duty of the police force to respect and obey the said superintendent, subject to the rules and regulations and general orders of the board.

Special policemen.

SEC. 15. The said board of police is hereby authorized to appoint persons of suitable character who may be in the employment of the city in other branches or departments, special policemen or patrolmen; provided, such special policemen shall not be paid for their services as policemen either from the police fund or the city or county treasury. Such policemen shall possess the same power as the regular police patrolmen and shall obey the rules and regulations of the board, and conform to its general discipline.

Additional policemen—their powers and duties.

SEC. 16. The board of police, whenever it shall see fit, may, on the application of any person or persons, showing the necessities thereof, appoint and swear in any number of additional patrolmen to do duty at any place within the cities, at the charge and expense of the person or persons by whom

the application shall be made, and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force herein prescribed; provided, however, that the party so applying for such appointment shall have first paid into the trust fund hereinbefore provided for, the sum of five dollars for each special patrolman thus appointed. The person so appointed may be removed at any time by the board of police, without assigning cause therefor.

Resignations, reappointments, &c.

SEC. 17. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given two weeks notice thereof in writing, to the superintendent of police; no person who shall ever for cause have been removed from the police force established by this act, shall be reappointed by the board of police to any office in the said police force, except by the unanimous consent of the board.

Stolen property—how disposed of.

SEC. 18. All stolen or other property taken by the members of the police force, shall be deposited and kept in a place designated by the board of police; and in case of the neglect or refusal of any officer to so deposit the property taken or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and subject to indictment or information, and be fined in a sum not exceeding three thousand dollars, and in no case less than the value of the property, or be imprisoned in the county jail not exceeding one month; and the sentence of the court in such cases, shall operate to vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for that purpose by the secretary of the board, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within thirty days after such arrest and seizure, be claimed by any other person or persons, it shall, unless otherwise ordered by the board, be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor or clerk, except by special order of the board. In case said money or property shall, within thirty days, be claimed by any other person or persons, it shall be retained by said custodian until after the discharge or conviction of the person from whom the same was taken and so long as the same may be required as evidence in any case in court, and if such claimant or claimants shall establish, to the satisfaction of the police judge, that he or they are the rightful owners, the same shall be restored to him or them; otherwise it shall be returned to

the accused personally, and not to any attorney, agent, factor or clerk of such accused person, except upon special order of the board, after all liens and claims in favor of the board and the city, against the same, shall have first been discharged and satisfied. The board shall cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public, and of the police force of the city. It shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place where he became a citizen, (if he was born out of the United States,) his age, his former occupation, number of family, and the residence thereof; the date of appointment or dismissal from office, with the cause of the latter; and in every such record sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such members of the police force, or of any special services deemed meritorious by the captains of police. It shall also cause to be kept in proper books, the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall also cause to be kept and bound, all police returns and reports.

Registry of lost, missing, or stolen property.

Record must be kept of every member of police force.

Record of proceedings, &c.

SEC. 19. It shall be the duty of the board of police to provide, when it shall be required, at the expense of said city or cities, all necessary accommodations, within such precincts as shall be contained within the boundaries of said city or cities for the station-house required by the board of police, for the accommodation of the police force of such precincts for the lodging of vagrant and disorderly persons, and for the temporary detention of persons arrested for offenses. It shall also be the duty of said board of police to furnish the same suitably, and to warm and light the same by day and night; and in every case of arrest, the same shall be made known to the captain or sergeant upon duty in the precincts wherein such arrest was made, by the person making the same, and it shall be the duty of the said captain or sergeant as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of party arrested, the offense, the place of arrest and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the places provided for that purpose; and no trial or examination of any persons arrested shall he held in the office of the superintendent of the police, or of the board; but the persons so arrested shall be examined in the police court of said city or cities before the police judge, or in the absence of the judge, before the mayor. Necessary and usual articles of clothing or personal apparel upon the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The

Board to make provision for lodging prisoners

Prisoners to be tried in police court.

board of police shall provide suitable accommodations within said city or cities for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in apartments other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of the police judge, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police, charged with the violation of any city ordinance, may give special bail for his appearance to answer to such charge; but no member of the police force shall become or furnish bail for any person arrested.

Detention of witnesses.

Special bail.

SEC. 20. The necessary expenses for the maintenance of the police department hereby created within the said city or cities, shall be a city charge.

SEC. 21. It shall be the duty of the board of police to prepare and submit to the city auditor, on or before the first day of May in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid by the city auditor before the city council, and the same shall be, by the city council of said city or cities provided for in the general tax assessment, by levy to be laid on property in said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the "metropolitan police fund," and shall be drawn out therefrom for police purposes of said city, under the fiscal regulations established by this act, and the city treasurer, for the time being, is hereby appointed treasurer of the board of metropolitan police.

Expense of police department.

SEC. 22. All moneys hereafter to be paid to any person or persons out of the police fund shall be certified by the president or acting president of the board of police, to the secretary, who shall draw his warrant on the treasurer therefor, stating therein the fund to which it is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president, or, in his absence, by the acting president of the board of police.

Funds—how drawn from treasury.

SEC. 23. No expenses other than salaries and pay herein provided, shall be incurred by the board of police, except for rents, record-books, stationery, printing, telegraphing, badges, clubs, and furniture of necessary rooms and stations, advertising, fuel and lights, and food for prisoners, unless the same shall be expressly authorized and provisions therefor made, as a city charge, by the city council of the cities within which the expenditure becomes necessary. The books and accounts kept by said board shall, at all times, be subject to the inspection of the mayor; and the city council may at any time require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

What expense may be incurred by board.

Books and accounts subject to inspection of mayor.

Board of police must enforce all ordinances,

SEC. 24. The board of police shall, at all times, cause the ordinances of the city to be properly enforced; and it shall be the duty ot said board at all times, whenever consistent with the rules and regulations of said board, and with the requirements of this act, to furnish all the information desired, and comply with all the requests made by the city council of said cities, or by the mayor thereof, to quell riots, suppress insurrections, protect the property, and preserve the public tranquillity. The board of police shall have the power to issue subpœnas, tested in the name of its president, to compel before it the attendance of witnesses before any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any willful and corrupt false swearing by any witness or person making oath or deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to attachment of witnesses before the police court and justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpœned before the board of police.

—quell riots, protect property, &c.

Board may issue subpœnas and administer oaths.

Oath of office.

SEC 25. The board of police shall require and make suitable provisions respecting security to be entered into by any and all members of the police force, for the taking, by the members of the police force, of an oath of office, and the registry of the certificate of the same in a book, to be kept for that purpose by the board, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

Superintendent must make monthly reports.

SEC. 26. The superintendent of police shall make to the board monthly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The board of police shall, on or before the first Monday in April in each year, report, in writing, the condition of the police within the said cities, to the city council.

SEC. 27. No person holding office under this act shall be subject to jury duty, or to arrest on civil process, while actually on duty.

Penalty for using personal violence on any policeman.

SEC. 28. It shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars, or imprisonment in the county jail not less than one month, nor more than three months, or both fine and imprisonment, for any person, without justifiable or excusable cause, to use personal violence upon any member of the police force, when in the discharge of his duty, or for any person, not a member of

the police force, to falsely represent himself as being such member with a fraudulent design.

Governor may remove commissioners for good cause.

SEC. 29. Either of said commissioners of police may, at any time, be removed by the governor, upon good cause being shown, and in all cases where charges are made out against a commissioner, he shall have an opportunity to present evidence in his behalf.

Accepting office, or nomination for office, to be deemed a resignation.

SEC. 30. Any one of said commissioners, or any member of the police force, who shall, during his term of office, accept or hold any office elective by the people, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned, and to have vacated his office as such commissioner.

Council may levy tax for expense of police.

SEC. 31. The city council of said cities are hereby empowered and directed, annually, to order and cause to be collected and raised by a tax upon the estates, real and personal, subject to taxation according to law, within the said cities, the sums of money as aforesaid, annually estimated for the said total expense of the metropolitan police, authorized by this act.

Deputy superintendent.

SEC. 32. In case at any time, or for any cause, the services of a deputy superintendent shall be required, the board of police are hereby authorized to appoint any member of the police force to act in that capacity.

Policemen not allowed to enter drinking-houses, &c.

SEC. 33. No policeman or officer of police shall, while on duty, be at liberty to enter any drinking or gaming saloon, or other place where liquors are sold to be drank on the premises, or house of prostitution, except for the purpose of discharging some of the duties of his office.

Office of marshal abolished.

SEC. 34. The offices of city marshal and deputy marshal of said cities, are hereby abolished, and the duties of said offices shall hereafter be performed by the superintendent of police, or by the captains and sergeants of police, under his directions, in accordance with the provisions of this act; but this section shall not be operative until the superintendent of police, or captain of police, authorized by this act to be appointed, shall be sworn into office.

Statutes repealed.

SEC. 35. All statutes, parts of statutes and provisions of law, inconsistent with the provisions of this act, are hereby repealed, together with all modes and qualifications of appointment to office as members of police departments, or of elections to office therein, inconsistent with the provisions of this act; such repeal, however, to take effect and become operative only when the board of police appointed by this act shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the board of metropolitan police shall notify the city marshal in writing, and publish a notice in two daily papers published in said cities, stating the fact and time of the organization of the said police force, for the purpose of fixing the time when section thirty-four and this section shall become operative.

President of board must give notice of organization.

SEC. 36. This act shall take effect on the first day of May next.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

4, Curwen, 2618.

To amend section one of an act entitled "an act to make it the duty of county auditors to levy extra taxes for road purposes in certain cases," passed May 1st, 1854. [S. & C. R. S., Sec. 1, p. 1320.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to make it the duty of county auditors to levy extra taxes for road purposes, in certain cases," passed May 1, 1854, be amended so as to read as follows:

Section 1. Whenever it shall be made known, by petition or otherwise, to either of the county auditors of this state, that two-thirds of the resident freehold tax-payers, living on the line of any state road, county road, or free turnpike road within his proper county, desire an extra tax for the purpose of constructing, improving or repairing such road, it shall be the duty of said county auditor to levy a tax for that purpose, of any amount that may be desired, not exceeding ten mills on the dollar valuation in any one year, on all lands and taxable property, for any distance on each side of such road not exceeding one mile, and in no case more than half the distance from such road to another state or county road running parallel or nearly parallel thereto.

Extra tax for road purposes.

SEC. 2. That said original section one be and the same is hereby repealed, and this act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the county commissioners to construct roads, on petition of a majority of resident land owners along and adjacent to the line of said roads.

Power granted to county commissioners to improve roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this [state] shall have the power, as hereinafter provided, to improve, by straightening, grading, paving, graveling, planking, or macadamizing any state or county road, or any part of such road, within the limits of their respective counties.

SEC. 2. Before the commissioners of any county shall order any improvement mentioned in the first section of this act, a petition shall be presented to them at a regular session, signed by a majority of the land-holders resident within said county, whose land will be assessed for the expense of the same, as hereinafter provided, stating the kind of improvement prayed for, and the points between which the same is asked. Upon the presentation of such petition, and the filing of a bond, signed by one or more responsible freeholders, conditioned for the payment of the expenses of the preliminary survey and report, if the said improvement shall not finally be ordered, the commissioners shall appoint three disinterested freeholders of the county and a competent surveyer or engineer, who shall carefully examine the road so asked to be improved, and make a profile of the same, and return the same to the next regular session of the commissioners, with a report showing the necessity and public necessity of the contemplated improvement, and an estimate of the expense of the same, and the lots and lands which will be benefitted thereby and ought to be assessed for the expense of the same; provided, that no lands shall be so assessed which do not lie within two miles of said contemplated improvement.

Consent of majority of land-holders required.

SEC. 3. Upon the return of the report mentioned in the last section, the commissioners may, if in their opinion public utility requires it, enter upon their records an order that the improvement be made, which order shall state the kind of improvement to be made, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county commissioners, make a contract for the performance of the work, and the contractor may at once enter upon the performance of said work, under the superintendence of the engineer appointed as aforesaid.

When commissioners may order improvement to be made.

SEC. 4. The commissioners, when any such improvement shall be ordered, shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expense of said improvement upon the lands embraced in the order aforesaid, according to the benefit which each piece shall derive therefrom, and report the same to the county auditor, and in making said apportionment they shall take into consideration any benefits which will accrue to any land or lands by reason of drainage resulting from the making of said improvement. When the report of said committee shall be returned, the county auditor shall give notice of it by publication in some newspaper published and of general circulation in said county, and shall also give notice, for at least three consecutive weeks, of a time when the commissioners will meet at the county auditor's office to hear the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said report, they shall confirm the

Commissioners may appoint committee to estimate expense.

County auditor must give notice.

Exceptions may be heard, &c.

same; but if exceptions in writing have been filed by any of the owners of the land affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses. After such hearing, they may either confirm said report, or change the same, or refer the same to a new committee of three disinterested freeholders. In case last named of a re-reference, the new committee shall, upon actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former report, and upon the return of their report to the county auditor, the same proceedings shall be had as upon the return of the first report, except that there shall not again be a re-reference to another committee. The final action of the commissioners shall be entered upon their records, together with the report as confirmed, showing how the said estimated expense has been apportioned upon the lands ordered to be assessed as aforesaid. After the work shall have been completed, the county auditor, before placing the said assessment upon the duplicate, shall add or deduct from said estimate pro rata, the amount that the actual expense shall be found to be more or less than the said estimate.

Final action of commissioners must be recorded.

Commissioners may issue bonds.

SEC. 5. The county commissioners, in payment of the expense of any such improvement, may issue the bonds of the county, payable in installments or at intervals not extending in all beyond the period of five years, bearing interest at six per centum per annum, and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and so be placed upon the duplicate for taxation against the lands assessed, and collected in the same manner as taxes, and when collected the money arising therefrom shall be applied to no other purpose but the payment of said bonds; provided, that no bonds shall be delivered to any contractor except upon estimate of work done as the same progresses or is completed.

SEC. 6. The compensation of persons employed under this act shall be fixed by the county commissioners, and shall not exceed three dollars per day.

SEC. 7. This act shall take effect upon its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To reorganize the institution for the education of the deaf and dumb, and to repeal certain laws heretofore passed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the institution for the education of the deaf and dumb shall be placed under the control of a board

of trustees, consisting of three members, two of whom shall reside in the city of Columbus. Before entering upon their duties, each of said trustees shall take an oath to support the constitution of the United States, and of the state of Ohio, and to faithfully and impartially discharge the duties required of them by law. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint the said board of trustees—one to serve for one year, one to serve for two years, and one to serve for three years; and as their respective terms of service shall expire, their successors shall be appointed for the term of three years, in the manner herein provided. In case a vacancy shall occur in the said board of trustees, the governor shall have power, as herein provided, to fill such vacancy for the unexpired term thereof; provided, that if the senate shall not be in session, the governor shall have power to fill vacancies that may occur, and submit the appointments so made to the senate for approval at its next session.

Board of trustees.

Governor to appoint.

SEC. 2. The board of trustees shall appoint one of its number as president, to preside at its meetings, and another of its number as secretary, whose duty it shall be to keep a record of the meetings and proceedings of the said board, and attest the same. The board shall have power to appoint, and for good cause, remove the superintendent. They, with the superintendent, shall make such general rules as they may deem necessary for the successful management of the institution. They shall, upon the nomination of the superintendent, appoint the teachers, steward, matrons, physician, masters and mistresses of shops, and shall fix the compensation of each, and of the superintendent, to be paid quarterly, keeping within the amount appropriated by law for salaries: provided, that the superintendent may receive a sum not exceeding twelve hundred dollars per annum; the steward a sum not exceeding eight hundred dollars per annum; the matron a sum not exceeding four hundred dollars per annum; the assistant matrons, each, a sum not exceeding three hundred dollars per annum, and the physician a sum not exceeding three hundred dollars per annum.

Power and duties of board.

SEC. 3. There shall be visitations and thorough examinations of all parts of the institution, monthly, by one or more of the said board, and, quarterly, by a majority of the same; and there shall be drawn up and placed on record a detailed statement of the condition of the institution, which record shall be subject to the order of the general assembly, and shall at all times be open to the inspection of the committees of the legislature on benevolent institutions.

Visitations.

SEC. 4. Annually, on the first Tuesday of November, the board of trustees and the superintendent shall meet at the institution, and shall make out full reports (accompanied by such reports from those employed in the institution as the board may deem necessary) of the condition of the institution—a detailed statement of all its receipts and expenditures, and a full list of all persons employed therein, and the amounts paid, or the terms upon which said persons have been employed during the year. The said annual reports,

Annual reports.

and the minor reports accompanying the same, shall be presented to the governor, who shall cause the same to be printed in accordance with law.

Superintendent—his powers and duties.

SEC. 5. The superintendent shall reside in the institution, and shall have the entire control of all its affairs, in all its departments, and shall be responsible to the board of trustees for the efficient management thereof, and for the faithful service of all persons employed therein. He shall have power, upon such terms as he may deem proper, subject to the approval of the board, to employ such attendants, servants or other persons, as may be necessary for the economical and efficient management of the institution, assign to them their respective places and duties, and may at any time discharge them from service, keeping a record of the cause or causes of such discharge. Said superintendent shall also have power by virtue of his office to solemnize marriage.

Steward—his duties, &c.

SEC. 6. The steward shall be well skilled in making purchases and keeping accounts, and before entering upon the discharge of his duties, shall give bond to the State of Ohio in the sum of two thousand dollars, with sureties to the satisfaction of the board of trustees, for the faithful performance of his duties. Under the direction of the superintendent he shall purchase all supplies for the institution, at their lowest cash value. He shall see that the grounds, and all other property belonging to the state, are properly preserved and kept in order, and shall perform such other duties as may be assigned to him by the superintendent.

Funds—how drawn from treasury.

SEC. 7. The treasurer of state shall, from time to time, advance to the steward of the institution, on his own order, endorsed by the superintendent and two of the trustees, on a warrant from the auditor of state, a sum not exceeding one thousand dollars at any one time, to meet the current expenses. The steward shall keep an accurate account in detail, always open to the inspection of the superintendent and trustees, of all the expenses paid out of the sums so advanced by the treasurer, and shall settle the same with the trustees and superintendent, monthly, or oftener if required; and no additional order shall be drawn on the treasurer till the settlement herein required has been satisfactorily made by the said steward.

Who admitted into institution.

SEC. 8. The institution shall be open to such deaf mute residents of the State as the trustees and superintendent shall judge from reliable information and examination, to be suitable persons to receive instruction according to the method therein employed; provided, that no person shall be received under ten, or over twenty years of age, and provided, further, that no person shall be received who is addicted to immoral habits, or affected with any contagious or offensive diseases.

How long pupils may remain.

SEC. 9. Pupils admitted into the institution may, in the discretion of the board of trustees and superintendent, be permitted to remain such a portion of seven years as their progress shall seem to justify. In addition to the time hereinbefore specified, three years may be allowed to such pupils as give satisfactory evidence of marked ability, and justify

the expectation that they may become useful teachers, or occupy other responsible positions in life; provided, that nothing herein contained shall be construed to prohibit the admission of pupils who are not residents of Ohio, if there shall be sufficient accommodations for such non-residents without excluding residents of the state, upon the payment of such sums, and upon such terms as the trustees may determine; and the money so received from pupils, not residing in this state, shall be paid over to the steward, receipted for by him, and be by him certified into the treasury of the state.

Pupils to be supported at expense of state, except clothing and traveling expenses.

SEC. 10. All pupils admitted into the institution, who have a legal residence in the state, shall be supported at the expense of the state; provided, that parents and guardians of such pupils shall be required to keep them comfortably and neatly clothed, and to pay their traveling and incidental expenses; and, if such parents or guardians shall neglect or refuse so to do, the steward of the institution is hereby authorized to furnish the requisite clothing and pay the said expenses. For the clothing so furnished, and the expenses thus incurred, the steward shall make out a bill of items, charging the same to the current expense account of the institution, from which the amount shall be paid. The account so drawn up, signed by the steward, countersigned by the superintendent, and sealed with the seal of the institution, shall be forwarded to the auditor of the county from which the pupil came, who shall proceed to collect the same, in the name of the state of Ohio, as other debts are collected, and the money so collected shall be paid over to the steward and credited to the current expense fund; provided, that if the auditor shall be unable to collect the amount of the said bill, in the manner and form hereinbefore provided, then the said auditor shall pay the same out of the county funds, and refund to the institution the amount of the said bill.

Enlargement of mechanical department.

SEC. 11. The trustees are hereby authorized and required to enlarge the mechanical departments of the institution from time to time, by the introduction of such trades as experience shall be found to be adapted to the wants of the deaf and dumb; provided, that the good of the pupils, and the economical management of the institution shall, at all times, be duly regarded by the said board of trustees.

SEC. 12. The following acts and parts of acts, so far as the same are applicable to the regulation and government of the institution for the deaf and dumb, are hereby repealed, to-wit:

3 Curwen, 2479.

Sections 5 and 7 of an act passed March 3, 1831, entitled an act to establish an asylum for the education of deaf and dumb persons, and the repealing all laws heretofore passed on that subject; also, an act passed March 3, 1834, entitled "an act further to amend the act entitled an act to establish an asylum for the education of deaf and dumb persons, and for repealing of all laws heretofore passed on the subject;" also, an act in relation to the deaf and dumb asylum, passed February 3, 1844; also, an act passed March 2, 1846, entitled "an act to amend certain acts in relation to the asylum for

S. & C., page 182.
1 Curwen, 143.
S. & C., page 182.
2 Curwen, 1003.
S. & C., page 183.
2 Curwen, 1284.

S. & C., page 182. 4 Curwen, 2604. S. & C., page 135 3 Curwen, 1812. S. & C., page 180. 4 Curwen, 2753. S. & C., page 186. S. & C., page 187. O. L. Vol. 59, page 93. O. L. Vol 61, page 105.

the deaf and dumb, and for the blind;" also, an act passed April 29, 1854, entitled an act regulating the admission and support of pupils in the institution for the deaf and dumb; also, an act passed April 28, 1852, entitled "an act to reorganize the benevolent institutions of the state of Ohio," passed April 28, 1852, and to repeal section 7 of the said act; also, an act passed April 8, 1856, entitled "an act to provide for the regulation and management of the institutions of the blind and of the deaf and dumb;" also, an act passed May 1, 1862, entitled "an act to amend an act to provide for the regulation and management of the institutions of the blind and deaf and dumb," passed April 28, 1856; also, an act passed March 30, 1864, entitled "an act to amend an act entitled an act to amend an act to provide for the regulation and management of the institutions for the blind and deaf and dumb," passed April 8, 1856; passed May 1, 1862; also, an act passed April 11, 1865, entitled "an act to authorize the trustees of the institution for the deaf and dumb to fix the compensation of officers and employees of said institution;" also, any other acts or parts of acts inconsistent with this act, relating to the institution for the deaf and dumb.

SEC. 13. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro. tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize cities of the second class therein named, to impose a tax for bridge purposes.

Council of certain cities of second class may erect bridges over canals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the second class, having a population under fourteen thousand inhabitants at the last federal census, and having a canal or canals, and navigable or other streams within the corporate limits of said city, shall have power, through the city council of said city, to impose a tax not exceeding one and five-tenth mills on the dollar on all the taxable values of said city, for the purpose of building, maintaining and repairing any and all bridge structures, necessary for the convenience of the inhabitants of said city.

—and may borrow money and issue bonds.

SEC. 2. Should the city council of any city to which this law is applicable, find it necessary to anticipate any portion of said tax, they are hereby empowered to borrow the amount found necessary, from any fund except the school fund, having the requisite surplus, or the city council of said city may anticipate any portion of said tax by a temporary issue of the bonds of said city, bearing the legal rate of interest and maturing in amounts, and at the several periods the said tax

becomes due and payable, and the amounts so borrowed shall be refunded out of the first taxes subsequently collected under this law.

SEC. 3. This act shall take effect from its passage, and shall continue in force five years.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Authorizing county commissioners to levy a tax for road purposes.

County commissioners may levy tax to repair roads destroyed by freshets, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any one or more of the principal public highways of any county have been so damaged or destroyed by freshet, land-slides, wear of water courses, or by any other casualty, neglect or inattention, as to render the same unfit for public travel and hinder free and necessary transportation, and the commissioners of such county shall be satisfied that the ordinary levies authorized by law for said purposes will be inadequate to provide money necessary to repair such damages or make such changes in said road or roads rendered necessary by the aforesaid or any other cause or causes, they shall be authorized and empowered annually during the years 1866, 1867, 1868, and 1869, to levy a tax at their June session of each of said years, of not exceeding three mills upon the dollar, upon all taxable property of said county, to be expended under their direction, in such manner as may seem to them most advantageous to the interest of said counties, for the construction, reconstruction or repair of said road or roads.

Amount of tax to be levied.

Commissioners may borrow money, &c.

SEC. 2. To anticipate the receipts which may come into the county treasury by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized to borrow, from time to time, such sums of money as shall not exceed in the aggregate four-fifths of the tax levied by this act; provided, that the money so borrowed in any one year, shall not exceed four-fifths of the tax levied in any such year. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the taxes so collected, out of the county treasury.

SEC. 3. That during the years aforesaid, the county commissioners availing themselves of this act shall levy no other tax for road purposes than is prescribed in this act. And sections four (4) and five (5) of an act entitled "an act supplementary to an act prescribing the duties of supervisors and relating to roads and highways," passed February 13, 1853, and to repeal an act entitled "an act prescribing the duties of supervisors and relating to roads and highways," passed April 8, 1856, also prescribing the duties of county

4 Curwen, 3157.

commissioners, county auditors, township clerks, and supervisors; also, to repeal certain acts therein named, passed April 12, 1858, shall not be operative as far as the provisions of this act are concerned.

SEC. 4. That the act "to authorize the commissioners of Lawrence county to levy a tax for road purposes," be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To give to horticultural societies certain privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any horticultural society of any city of the first class, incorporated by or under any laws of this state, to levy and collect assessments on the members thereof, not exceeding five dollars per annum; provided, that at a meeting of the members thereof called for that purpose, of which not less than ten days notice shall have been given, such levy or assessment shall be unanimously ordered.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To provide for making permanent records of certain surveys in the office of the secretary of state.

Field notes of surveys of "Congress lands," to be recorded.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state be and he is hereby authorized to employ some competent person to record in permanent volumes, for preservation and reference, the field notes of the surveys of the tract denominated "congress lands," lying north of the Greenville treaty line, west of the Muskingum river, and south of the "Connecticut reserve." Said volumes to be duly paged, and the townships indexed, in a manner similar to the later records of surveys in the

western parts of the state, deposited in the office of the secretary of state. Said records shall be carefully compared with the original field notes and records, and duly certified as correct by the secretary of state. Copies of said records, or any portion of them, with the official certificate of the secretary of state, as prescribed by law, shall be received as legal evidence in all courts within this state.

SEC. 2. The price to be paid for recording and comparing said records, and indexing the townships, shall not exceed 10 cents per 100 words; and the sum of three hundred dollars is hereby appropriated for defraying the expenses thereof. Compensation for making record.

SEC. 3. This act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize trustees of townships to provide watering places in their townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township in this state are hereby authorized to appropriate from the road funds of their township, money to provide and maintain suitable places for procuring water for man and beast, on any public highways in their township, when they may deem it necessary for the convenience of the public; provided, that no more than fifty dollars shall be expended in any township in any one year.

SEC. 2. This act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend an act entitled an act to fix the salaries of the engineers on the public works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act entitled "an act to fix the salaries of the engineers of the public works," passed April 13, 1865, be amended so as to read as follows:

Board of public works must keep record of proceedings.

SEC. 2. It shall be the duty of the board of public works, when assembled together in their official capacity, to keep a correct and complete journal of their proceedings, which shall at all times be subject to the inspection of a committee of either branch of the general assembly, or any person authorized by law to examine the same, or any person who may be interested in the proceedings of said board; and the said board may employ a clerk for said board, at a salary not exceeding eight hundred dollars per annum.

Salary of clerk.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

3 Curwen, 1835.

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852. (Swan & Critchfield's Statutes, page 1555.)

Municipal authorities may require able bodied males under 55 years of age to work two days on streets and alleys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That municipal authorities of all incorporated villages and cities of the second class shall have power to require each able bodied male person and each male person able to procure the labor herein required to be done, between the ages of twenty-one years and fifty-five years, resident within such village or city, and within any contiguous territory that shall be attached thereto for the purposes of this act, as hereinafter provided, to perform in each and every year two days labor upon the streets and alleys of such corporation, and upon the public roads or highways, or parts thereof that lie within the contiguous territory so to be attached as aforesaid, and which shall be in lieu of the two days labor required under the present laws regulating roads and highways; and upon refusal to perform such work under the proper supervisor, street commissioner, or other officer appointed by the said municipal authorities for such purpose, the delinquent shall be liable to the same fines, penalties and forfeitures as are provided by law against persons refusing to perform the two days labor required in said law, and the same shall be recovered in the name of such incorporated village or city, before the mayor of such city or village. The said municipal authorities shall also have the exclusive right to form road districts within the corporate limits of such city and village and contiguous territory, so to be attached thereto as aforesaid, and to appoint suitable supervisors, street commissioners, or other proper officer, for any length of time not exceeding two years, for such districts or for the whole limits of such village or city, and the contig-

Penalty for refusal to work.

Road districts, supervisors, &c.

uous territory so to be attached thereto as aforesaid, who shall be governed in the performance of their duties by the by-laws and ordinances of said corporation, and all road tax charged on the county duplicate on property within the limits of such corporation or territory, so to be attached thereto as aforesaid, may be worked out at such rate per day as shall be authorized by law for working out other road tax, under the direction of the proper supervisor, street commissioner, or other proper officer within the district where the same is assessed or applied to such other district or public improvement as the municipal authorities may direct; provided, that no tax assessed upon property within the territory to be attached to any such corporation as aforesaid, shall be applied otherwise than within the territory in which the same is assessed; should any extra labor be performed in any one year, under the direction of such supervisor, street commissioner, or other proper officer appointed for such purpose, he shall give his certificate of the amount to the person performing the same, which certificate shall be transferable and received in the discharge of road tax in any succeeding year, to the extent of the amount of such certificate, and all taxes charged for road purposes as aforesaid, on the property within the limits of such corporation, or the territory so to be attached thereto as aforesaid, and collected by the county treasurer, shall be paid over to the corporation treasurer, to be specially appropriated by the municipal authorities to street and road purposes or other public improvements within the corporate limits thereof.

Tax charged on county duplicate may be worked out.

Extra labor credited to other years.

SEC. 2. It shall be the duty of municipal authorities of said corporations, and the trustees of townships respectively, in which any such corporation shall be situated, as soon after the passage of this act as practicable, and when from the sparseness of population the public interest shall require it, to attach any territory lying contiguous to such corporation thereto, for the purposes of this act.

SEC. 3. The several supervisors, street commissioners, or other proper officers appointed for that purpose, within their respective districts, shall collect by suit, as provided in the first section of this act, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof be otherwise provided for in this act, and they are hereby authorized and required before their annual settlement with the proper authorities of such city or incorporated village, to presecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom, in the opinion of such supervisor, street commissioner, or other proper officer, such fine, penalty or forfeiture can be collected, and said judgment, if not paid, shall remain with the costs thereon and be in force against the defendant as other judgments for fines in favor of such city or incorporated village; provided, however, that all persons who are, or may be exempt from performing labor on the public highways by any law of this state, shall not be subject to the provisions of this section.

Fines—how collected.

4 Curwen, 3293.

SEC. 4. That "an act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852," passed April 5, 1859, is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

4 Curwen, 3468.

Amending the first section of an act entitled "an act to provide for the collection of claims against railroad companies," passed March 26, 1860. (S. & C., vol. 2, page 1173.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act to provide for the collection of claims against railroad companies," passed March 26, 1860, be so amended as to read as follows:

Claims for labor on railroads or material furnished, how collected.

Section 1. That when any person shall have obtained judgment against any railroad company in any of the courts of this state, upon any claim due to common laborers for work and labor performed for such company, or for crossties, lumber, or cordwood furnished to such company, to be used in the construction, repairing, or operation of such road; or any person or persons who shall have erected fences along the line of any railroad within this state, as railroad companies are now required by law to erect; or upon any note or other evidence of indebtedness, the consideration of which consisted of such labor, materials furnished to or fencing built for said company, the plaintiff in such case, his agent or attorney, may file with the precipe for execution, in such judgment, his affidavit setting forth the nature of the claim upon which said judgment is founded; showing that the same is within the description of claims herein enumerated; that he does not know of any property of the defendant liable to levy and sale on such execution sufficient to satisfy the same; and that any person or corporation (to be named within the jurisdiction of the officer, to whom, according to the precipe, such execution is to issue) is indebted to the defendant—has property or claims of the defendant in his possession, or under his control, or as an agent of the defendant; whereupon the clerk shall issue, with the execution, a notice to each person or corporation named, that he is required to pay over to the officer holding such writ, the money, and deliver to such officer the property and claims of the defendant in his possession or under his control, or which may come into his possession or under his control, at any time before the satisfaction of such judgment, not exceeding an amount sufficient to satisfy such judgment and costs, together with costs that may accrue.

SEC. 2. That said section one of the aforesaid act, be and the same is hereby repealed.

SEC. 3. That this act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend section 9 of an act entitled an act to authorize the incorporation of joint stock insurance companies, passed April 11, 1856. 4 Curwen, 2798.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine of the above-mentioned act be so amended as to read as follows:

Section 9. It shall be lawful for any company organized under the provisions of this act, to insure houses, buildings, and all other kinds of property against loss or damage by fire, and upon life in or out of the state; to make all kinds of insurance on persons, goods, merchandise, or other property in the course of transportation, whether on land or water, or on any vessel or boat, wherever the same may be; to insure live stock against loss or damage by accident, theft or death, in or out of this state; to receive on deposit and insure the safe keeping of any and every kind of personal property, receiving therefor such compensation as may be provided in the by-laws of said company; to lend money on bottomry or respondentia, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and against any maritime or other risks upon the interest it may have in any vessel, boat, goods or other property, by means of any loan or loans which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects; provided, that companies now organized, or that may be hereafter organized under the provisions of this act, for issuing policies of insurance for either of the four following specific purposes: 1st, against loss of life or accident to persons; 2d, against loss or damage to property; 3d, against loss or damage to live stock; 4th, against loss or damage to personal property received on deposit for safe keeping; are hereby prohibited from issuing policies of insurance for any of the other objects recited as aforesaid.

What company may insure.

Company may receive on deposit personal property, &c.

Specific purposes for which policies may be issued.

SEC. 2. That section nine of the act above recited, as amended March 16, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

4 Curwen, 2802, 2868.

To amend section seven of an act further to prescribe the duties of county commissioners, passed April 8, 1856, as amended February 26, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above-recited act be amended so as to read as follows:

County commissioners must make detailed report of their transactions.

Section 7. It shall be the duty of the county commissioners, annually, on or before the second Monday in September, to make a detailed report in writing, to the court of common pleas of the county, of their official transactions during the year next preceding the time of making said report, giving an accurate statement of the financial affairs of the county, which shall be printed at the expense of the county, as directed by the court to whom the same is made, and the court shall cause the same to be investigated and examined by two suitable persons to be appointed by the court and the prosecuting attorney of the county, who, in case of any violation of law, is hereby directed to cause the same to be prosecuted according to the nature of the case; and if any county commissioners in this state fail or neglect to make the report required of them by this act at the time therein required, they shall be fined in any sum not exceeding one hundred dollars, and it is hereby made the duty of the prosecuting attorney of any such county, to prosecute in the court of common pleas, as is provided by law in similar cases, any one or all of such county commissioners who shall neglect or refuse to publish the required statement.

Penalty for failure to report.

SEC. 2. That section seven of the act aforesaid, be and the same is hereby repealed.

SEC. 3. That this act take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To enable associations of persons for building hotels, and for other purposes, to become bodies corporate.

Companies may be organized for purpose of building hotels, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons not less than three, may associate themselves together and become a corporation, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, for the purpose of constructing and maintaining buildings to be used for hotels, storerooms, or tenement houses; and such company shall be authorized and empowered to acquire, hold, use, and convey at

3 Curwen, 1893-4.

pleasure, all such real and personal property as may be necessary and convenient to carry into effect the object of the incorporation, and to construct, establish, and maintain suitable buildings and other structures for the purposes hereinbefore named, and to make all contracts, purchases, sales, conveyances, mortgages and leases necessary to conduct the said business and to manage the property, and to dispose of the same, to the same extent as is lawful for individuals.

Liability of stockholders.

SEC. 2. All stockholders of any such association shall be deemed and held liable to an amount equal to their stock subscribed, in addition to said stock for the purpose of securing the creditors of said association.

SEC. 3. This act shall be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Supplementary to an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852. [S. & C., section 7, 1340.]

3 Curwen, 1791.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any money shall come into the treasury of the county of Harrison from the sale of section (16) sixteen, township No. (10) ten, range No. (4) four, in Harrison county, it shall be the duty of said treasurer to invest said money according to the laws now in force on that subject, at a rate of not less than six per cent. per annum.

Funds from sales of section 16—how invested.

SEC. 2. That five per cent. of the interest arising from such investment shall be applied as is now provided by law, to the support of common schools within said township, and the remainder shall be added to the principal, and invested, from time to time, as a permanent fund.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To provide for the distribution of the soldiers' relief fund among the several counties of the state, in the proportion in which it was collected, and to repeal section four of the act for the relief of the families of soldiers and marines in the state and United States service, passed April 6, 1865.

O. L., vol. 62, page 82.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the auditor of state, after having transferred to the sinking fund from the soldiers' relief fund, the sum of eight hundred thousand dollars, and also reserving the further sum of one hundred thousand dollars, in view of an appropriation for the soldiers' home, to distribute the balance of said fund which may now be in or which may come into the state treasury, to the credit of said fund, to the several counties of the State, in the proportion in which it was collected.

Distribution of soldiers' relief fund.

SEC. 2. That the auditor of state shall, immediately after the passage of this act, certify to the county auditors of the several counties of this state, the amount to which said counties are entitled under said distribution, and shall, in the August settlement with the county treasurers of said counties, credit them respectively with the amounts so certified as money.

Auditor of state to certify amount to each county.

SEC. 3. That the county commissioners of the several counties of the state are hereby required, at their June meeting, carefully to estimate the amount needed during the current year in their respective counties for the relief of indigent and dependent soldiers and marines, who by reason of disease contracted or wounds received in the late war are unable to support themselves, and of the families of deceased or disabled soldiers or marines, or of such as may be yet in the service, who, by the provisions of the law under which this fund was raised, would be entitled to its benefits; and having set apart the sum of money so estimated for the purpose aforesaid, are authorized to transfer the balances remaining in the treasuries of the several counties which have come into the same under any of the acts "for the relief of the families of soldiers and marines in the service of the state or of the United States," and which may come into the treasury on any local levy under said acts, or under the provisions of this act, to any one or more of the funds of said county to be used only in the ordinary expenditures for such purposes, and said commissioners are hereby restricted to levying for the ordinary expenditures from said funds only said amount in addition to the amounts so transferred as shall be necessary; provided, that if there be any debt owing by any county, incurred previous to the passage of this act, the commissioners may apply the funds herein transferred to the payment of the principal and interest of said debt.

County commissioners to estimate amount needed.

SEC. 4. The said county commissioners are hereby authorized and required, whenever needed for the relief of the families of the soldiers and marines who have been or now are in the service of the state or the United States, or of those who have died or been disabled in such service, to levy a tax from year to year sufficient in amount to afford such

County commissioners may levy tax, &c.

relief, and may anticipate the collection by borrowing from any fund in their county treasuries other than the school fund.

SEC. 5. That section four of the act "for the relief of the families of soldiers and marines in the state and United States service," passed April 6, 1865, be and the same is hereby repealed.

SEC. 6. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To incorporate safe-deposit companies, and supplementary to the act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852. (S. & C., page 271.)

3 Curwen, 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any number of persons, as provided for in the first section of said act, shall associate themselves together for the purpose of the safe keeping, in fire and burglar-proof safes, placed in buildings absolutely fireproof, jewelry, plate, stocks, bonds, securities of various kinds, and other valuable property, they shall, under their hands and seals, make a certificate, which shall specify as follows:

Safe-deposit companies—how incorporated.

1st. The amount of the capital stock.

2d. The name and style by which such company shall be known.

3d. The number and amount of each share of stock.

4th. The name of the city or town and county in which the place of business of said company shall be located.

5th. The time fixed for holding the annual meeting of said company; said certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied in the same manner as provided in the second section of the act to which this is supplementary.

SEC. 2. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, are hereby authorized to carry into effect the objects mentioned in said certificate, in accordance with the provisions of said act, and the acts amendatory and supplementary thereto, and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate with succession, with power to sue, and be sued, plead, and be impleaded, defend, and be defended, contract, and be contracted with, to acquire and hold such real and personal estate as may be convenient and necessary to fully carry into effect the objects

When company deemed a body corporate.

of the incorporation, to make and use a common seal, and the same to alter or destroy at pleasure, and all needful acts to do, to effect the purposes for which the corporation was created.

Subscription-books may be opened.

SEC. 3. The persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription to the capital stock of said company, at such time and places as they shall deem proper, and the said company are authorized to commence operations upon the subscription of eighty per cent. of said capital stock, and may elect directors after giving notice of the time and place, as prescribed in section sixty-four of said act, which directors shall hold their offices until their successors are elected and qualified.

When company may commence operations.

SEC. 4. An installment of fifty per cent. on each share of capital stock shall be paid at the time of making the subscription, and the residue thereof shall be paid in such installments and at such times as the directors shall require.

Company may increase its capital stock.

SEC. 5. The said company may, whenever by a majority of the stockholders it shall be deemed expedient, increase the capital stock from time to time, in accordance with the provisions of said act, until the same amounts to the sum of six hundred thousand dollars.

SEC. 6. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend section ten of an act entitled "an act to provide for the election and qualification of the clerk of the supreme court of Ohio, and prescribing the duties and fixing the compensation of such clerk," passed March 29, 1865, and supplementary to said act. (Vol. 62, O. L., page 69.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the act above named be so amended as to read as follows:

Salary of clerk of supreme court.

Section 10. That in case the amount of fees as herein provided, shall exceed the sum of fifteen hundred dollars in any one year, the amount of any such excess shall be ascertained by the supreme court, and upon the order of the court shall be certified and paid into the treasury of the state; but in case the amount of said fees as herein provided shall fall short of said sum of fifteen hundred dollars in any one year, the amount of said deficiency shall be ascertained by said court, and upon its order, shall be paid to said clerk out of said treasury.

SEC. 2. That the said clerk shall be furnished with books,

blanks, stationery and furniture in the same manner as is provided for state officers.

Clerk to be furnished with books, stationery, &c.

SEC. 3. That said section ten of the above recited act be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Supplementary to an act entitled an "act to provide for the organization of cities and incorporated villages," passed April 8, 1856. (S. & C., 1544.)

4, Curwen, 2826-7.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when it shall be deemed necessary by any city of the first class having a population less than one hundred thousand inhabitants, at the last federal census, to improve any street, alley or public highway, or any part thereof, within the limits of such corporation, by grading, paving, draining, or other improvements, and for the purpose of defraying the expenses thereof, to assess and collect a charge or tax on the owner or owners of any lots or lands, or on the lots or lands by or through which such street, alley or highway or part thereof to be improved shall pass, it shall be the duty of the council of such city to declare by resolution the necessity of such grading, draining or otherwise improving such street, alley or public highway, or any part thereof, which resolution shall be published for three consecutive weeks, in some newspaper of general circulation published in said city, briefly describing the character of such improvement, and referring to the plans and profiles for such improvement, and any owner or owners of lots or lands bounding or abutting upon such street or public highway proposed to be improved, claiming damages therefor, shall be required to file such claim in writing with the city clerk of such city, setting forth the amount of damages by him or them claimed, together with the description of the property by him or them owned, within two weeks after the expiration of the time required for the publication of said notice, and all such owners as shall fail or neglect to file their claims for damages as aforesaid, within the time aforesaid, shall be taken and deemed to have waived the same, and be forever barred from filing any claim for, or the receiving any damages therefor, and it shall then be lawful for the city council, in their discretion, to provide by ordinance for such grading, paving, draining or other improvements; and if the city council shall determine to make such improvements and provide therefor by ordinance, it shall be lawful for them to

Council must publish notice of intention to grade or pave.

Persons claiming damages must file claim with city clerk.

Expense to be assessed on property bounding or abutting on street improved.

cause such improvement to be made, and to assess the cost and expense thereof, including the cost of all printing and publication of notices and ordinances thereby required, upon all the lots or lands bounding or abutting upon such street or the portion thereof so improved, in proportion to the foot front, and the amount thus assessed, if not paid by the time stipulated in the ordinance making said assessment, may, together with interest at six per cent. and a penalty of five per cent., be recovered by suit before a justice of the peace, or other court of competent jurisdiction, against such owner or owners, in the name of such city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same; and such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or action and proceed as in other cases; and it is further provided, that in any proceedings against any such owner, if it shall appear that by reason of any irregularity or defect whatever, in the proceedings of the board of city improvement, or the ordinance, plans or estimate aforesaid, the amount purporting to be due is not properly recoverable, still, on proof that the defendant was, at the time the materials were furnished and the work done, the owner of such lot or parcel of land, so much of the cost of said work and materials as would if no irregularity had existed, have been properly chargeable, may be recovered, but in such cases the court may adjudge as to costs as may be deemed equitable and proper; and in all cases where claims for damages have been filed as hereinbefore provided, and the improvement occasioning the same shall have been completed, it shall be the duty of the mayor of such city, within ten days after such completion, to make written application to the probate judge of the county within which such city is situated, to summon a jury of twelve disinterested freeholders, resident within such city, to assess the amount of damages in each particular case where claims have been filed as aforesaid, and it shall be the duty of such probate judge to direct the summoning of a jury as aforesaid, in the same manner as juries of the probate court are usually summoned, and fix the time and place for the inquiry and assessment of such damages. The jury shall be sworn to inquire into and assess the actual damages in each case separately, under such rules and instruction as shall be given them by the court, and when the jury cannot agree they may be discharged in the discretion of the court, and a new jury summoned, which shall be sworn as aforesaid, but in no case where said jury do not agree shall they be allowed fees, (the finding of the jury shall be final, from which there shall be no appeal); and it shall be the further duty of the court to furnish the amount of damages and costs in each case, to the city clerk on application, except in cases in which the jury find no damages, in all such cases the costs of the inquiry shall be taxed against the claimant, and be recoverable on execution, which said amount of damages and the costs con-

Lien on property—how enforced

Damages—how assessed.

sequent thereon so found as aforesaid, may be assessed on all lots or lands bounding or abutting upon the street, alley or public highway, or upon the part thereof so improved, or on the owners thereof, either by the foot front of the lots or lands bounding or abutting thereon, or according to the value of such lots or lands as assessed for taxation under the general laws of the state, as the said city council may in each case determine; provided, that in no case shall the tax levied and assessed upon any lots or lands for any improvement authorized by this section amount to more than fifty per centum of the value of said lot or land, to be estimated after the said improvement has been made, and all the costs of the said improvement exceeding the said per centum that would otherwise be chargeable on said lot or land, shall be paid by the municipal corporation out of its general revenue; and provided, also, that in special cases where, in the opinion of the board of city improvements, the same will be equitable and just, a portion of such damages and the costs consequent thereon may be assessed as hereinbefore provided, according to valuation upon any lots or lands bounding and abutting upon any street or streets which from their location will, in the opinion of said board of city improvements, be specially accommodated and benefitted by such improvement, and whenever said city council shall determine to assess a portion of such damages and costs upon the lots or lands situated upon streets other than the one so improved as above provided, said board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such proportion of said damages on such lots or lands bounding or abutting upon such streets, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in some newspaper of the city, of general circulation, that such assessment has been made and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment shall file their objections in writing with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested free holders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same or set the same aside and cause a new assessment and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such as-

Limitation of assessment.

Tax may be assessed on property on other streets, in certain cases.

Objections to assessments must be filed with city clerk.

sessment is confirmed by the city council, the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally or by an enforcement of the lien upon property so assessed.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To suppress the circulation of counterfeit, worthless, broken and altered bank notes in the state of Ohio.

Bankers must stamp worthless or counterfeit notes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any officer or clerk of any incorporated bank, or any banker, exchange broker, or a regular dealer in money, or any clerk employed by either of them, shall have offered to him, for sale, exchange, deposit, or in payment of debt, at his office or place of business, any bank note or notes, knowing the same to be counterfeit, worthless, broken or altered, he shall forthwith write or stamp upon said note or notes upon the face thereof, with ink, the name of the bank, banker, exchange broker, or regular dealer in money, and the date of said writing or stamping, and the word counterfeit, worthless, broken, or altered, as the case may be, and return such note or notes to the person claiming to be the owner of the same.

Penalty for stamping genuine notes.

SEC. 2. That if any officer or clerk of a bank, or any banker, exchange broker, dealer in money, or any clerk employed by either of them shall write upon or stamp any genuine bank note or notes, as prescribed for in section one, such bank, banker, exchange broker, or dealer in money, shall be liable to the person holding the same, and upon satisfactory evidence being produced of the genuineness of said note or notes, said bank, banker, exchange broker, or dealer in money, as the case may be, shall redeem the same without delay, at the current value of such note or notes, at the time the same were stamped.

Penalty for refusal to stamp counterfeit note.

SEC. 3. That if any bank, banker, exchange broker, or a regular dealer in money, shall knowingly refuse, neglect or fail to write upon or stamp, or cause to be written upon or stamped, such counterfeit, worthless, broken or altered bank note or notes, which have come into his or their possession, as provided in section one of this act, he shall forfeit and pay not exceeding one hundred dollars nor less than fifty dollars for every such offense.

Penalties—how recovered.

SEC. 4. That all penalties imposed by this act shall be recovered by civil action, in the name of the state of Ohio, before any court of competent jurisdiction, or by indictment;

and all penalties incurred under this act, when collected, shall be paid, one-half to the informant, and the other half to the treasurer of the county in which the judgment is recovered for the same, for the use of the state of Ohio.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To distribute to the several counties of the state certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all moneys paid into the treasury of the state, under the first section of the act passed April 12, 1865, entitled "an act to amend and supplementary to an act entitled 'an act to organize and discipline the militia of Ohio, and to repeal an act therein named,' passed March 31, 1864," and on being paid into the treasury known and designated as the "state military fund," after paying all claims upon said fund, be, and the same are hereby distributed among the several counties of the state, and shall, by the boards of commissioners of said counties, be appropriated to the poor, bridge, road or other fund of said counties, which is raised by taxation for ordinary county expenditures, or if there be a debt owing by any county, incurred previous to the passage of this act, and in opinion of said commissioners it will be more for the interest of said county, they may appropriate the fund transferred by this act to the payment of interest and principal of said debt.

O. L. 62-127.

Distribution of military fund.

SEC. 2. The basis of the distribution provided for in the foregoing section, shall be determined by adding to the whole number of national guards in each county in the state, as reported by the adjutant general for the year 1865, the whole number of enrolled militia in each county, from whom commutation was collected according to law, in the year 1865, which number of enrolled militia as added shall be ascertained by dividing by the number four the whole number of dollars collected as "state military funds" in each county for the year 1865.

Basis of distribution.

SEC. 3. That for the purpose of making this distribution, the state auditor shall, immediately after the taking effect of this act, issue to the several county treasurers of the state, his certificate of the amount to which such counties will be entitled, and in his August settlement with said treasurers, shall credit their respective counties with the amount of said certificates as money paid upon the proportion due from said counties to state tax, for general revenue or other purposes.

Auditor of state to settle with county treasurers.

Upon the completion of such settlement, the auditor of state is authorized to transfer the moneys resting in the treasury as "state military fund," to the general revenue of the state.

SEC. 4. The county commissioners of the several counties of this state, at their June meeting, for the purpose of making levies for county purposes, shall appropriate the amount included in the foregoing certificates to some one or more of the objects specified in the first section of this act, and shall only levy such amount in addition thereto, as shall be necessary for the current expenditures from said fund.

SEC. 5. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Prescribing the rates of taxation for state purposes and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter there shall be levied annually for state purposes, on each dollar of valuation of the taxable property in this state, as valued and entered on the grand list of taxable property in each year, taxes at the rate herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely:

Rate of levy for state purposes.

For the ordinary expenses of the state government included the expenses of the benevolent institutions and other charges on the general revenue, one mill. For the sinking fund, applicable to the payment of the principal and interest on the state debt, including the interest and principal of the union loan, one mill and two-tenths of one mill. For the support of common schools, one mill and three-tenths of one mill.

SEC. 2. That the act entitled "an act to amend an act prescribing the rates of taxation for state, county, township, city and other purposes, passed April 30, 1862, and the sixth section of the act entitled 'an act to provide for the defense of the state, and for the support of the federal government against rebellion,'" passed April 18, 1861, passed March 25, 1864, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend the act entitled "an act to provide for the sale of land-scrip and other purposes," passed April 13, 1865. O. L., 62, 189.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the aforesaid act be amended so that the same shall read as follows:

Section 1. That the auditor, treasurer and secretary of state are hereby authorized and directed to advertise, as often as they may deem the same advisable, and in such form as to them may seem proper and necessary to the prompt disposition of the land scrip received from the United States for the establishment of an agricultural and mechanical college or colleges in the state of Ohio, for proposals for the purchase of the same, in quantities not less than one hundred and sixty acres, such proposals for purchase to be made either to said auditor, treasurer and secretary of state, or to the auditor and treasurer of any county of the state, subject to the limitations and restrictions from time to time fixed by said auditor, treasurer and secretary of state not inconsistent with this act. Sale of land-scrip.

SEC. 2. That section two of the aforesaid act be so amended as to read as follows:

Section 2. Said auditor, treasurer and secretary of state are hereby authorized to sell or cause to be sold said land scrip at the best price they can obtain for the same, and to employ a suitable person or persons to aid them in making such sales, and to pay to such persons such commissions on sales made by them, as they may deem adequate to secure prompt and vigorous efforts to effect sales. And they are further authorized to accept propositions for the purchase of said scrip in quantities not less than fifty thousand acres of land, on terms of payment of not less than one-fourth in hand, and the remainder in payments not more extended than one-fourth in two years, one-fourth in four years, and the remaining one-fourth in six years; or in quantities of not less than ten thousand acres of land, on the following terms of payment: Not less than one-fourth in hand, and the remainder in payments not more extended than one-fourth in one year, one-fourth in two years, and the remaining one-fourth in three years, with interest on the deferred payments from the date of purchase; and the deferred payments to be secured by mortgage upon real estate situate within the state of Ohio, or deposit of the bonds of this state or of the government of the United States; provided, also, that all contracts to pay commissions on sales, or for the sale of scrip on time, shall be approved by the governor, in writing, before the same shall be valid and binding on the state. Commissioners may appoint a competent person to assist them. Terms of sale.

SEC. 3. That section five of said act be so amended as to read as follows:

Section 5. Said auditor, treasurer and secretary of state shall, annually, on the first Monday of December, make to the governor a full and explicit report of all their proceed- Annual report must be made to governor.

ings, and of the proceedings of county auditors and treasurers, under this act, which report the governor shall communicate to the general assembly at the next ensuing session thereof.

SEC. 4. That the 1st, 2d, 5th, 9th, 10th, 11th, 12th, 13th, 14th and 15th sections of the aforesaid act be and the same are hereby repealed.

SEC. 5. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To provide for the sale of the remaining canal lands belonging to the state of Ohio.

Governor to appoint appraisers of canal lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor is hereby authorized and required to appoint an appraiser, to appraise all lands belonging to the state of Ohio not heretofore appraised, and return to the office of the auditor of state, except those lying in Franklin county, or such as are used or intended for the purposes of the canal, or for leases of water power connected therewith, whose compensation shall be three dollars per day and traveling expenses, to which appraiser the auditor of state shall furnish a list of all such lands for appraisement.

SEC. 2. That it shall be the duty of said appraiser, immediately after receiving said list, to proceed to appraise such lands, and make due return thereof to the auditor of state.

Lands appraised subject to entry.

SEC. 3. That upon return of such appraisement, said lands, including those heretofore appraised, shall be subject to entry at the office of the auditor of state at their appraised value.

Occupants of lands may enter same.

SEC. 4. That the purchasers of land from the state under the laws heretofore in force, for the sale of such lands below their appraised value to actual settlers, and who are unable to make the necessary proofs of improvement, and settlement under the requirements of the aforesaid acts, shall have the right themselves, their heirs and assigns, to enter said lands at their appraised value, deducting the amount already paid thereon to the state.

When lands may be sold.

SEC. 5. That in case any of the aforesaid lands shall remain unsold for a period of two years from the passage of this act, the same shall be sold by the auditor of state, for the best price that can be obtained therefor.

SEC. 6. That if the auditor of state shall at any time ascertain that any land which should have been appraised under the provisions of this act shall have been omitted in the list required to be furnished by the first section of this act, he shall cause the same to be appraised and sold as hereinbefore provided. Auditor of state may cause certain lands to be appraised and sold.

SEC. 7. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 8. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend section eleven of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. (Swan & Critchfield, page 277.) 3 Curwen, 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the above-recited act be amended so as to read as follows:

Section 11. That whenever any railroad company heretofore incorporated, or which may hereafter be incorporated, shall find it necessary, for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portions of their road, whether heretofore made or hereafter to be made, such railroad companies shall be and are hereby authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company; and for the purpose of making any such change in the location and grades of any such road as aforesaid, such company shall have all the rights, powers and privileges to enter upon and take and appropriate such lands, and make surveys necessary to effect such changes and grades, upon the same terms, and be subject to the same obligations, rules and regulations as are prescribed by law, and shall also be liable in damages, when any have been caused by such change, to the owner or owners of the lands upon which such road was heretofore constructed, to be ascertained and paid or deposited as aforesaid; provided that no change shall be made in the route of a railroad, after the same shall have been completed and used for the transportation of persons or property, until an order for that purpose shall have been obtained from the court of common pleas of the county in which it is proposed to make such change; and Railroad companies may change grade or location of track

Company must obtain order from court of common pleas.

any railroad company which may heretofore have been, or hereafter may be, created under a general or special law of this state, desiring to make a change in the route of their road as aforesaid, shall file their petition in the court of common pleas of the proper county, setting forth the line of the road as then existing, at the point where such alteration is sought to be made, also the route of the proposed alteration, with the reasons for making the same, and shall give notice of the filing of such petition in at least two newspapers printed and in general circulation in such county, at least thirty days before the term of the court at which such petition will be for hearing; and such court may, upon being satisfied that notice has been given as aforesaid, that the proposed alteration will conduce to the interest of such railroad company, as well as of the public, and that the property and rights of persons owning real estate along the portion of the road affected by the proposed alteration, will not be unreasonably injured thereby, authorize the same to be made; and no damages shall be allowed in consequence of such alteration, unless claimed within thirty days after the same shall have been authorized by the court as aforesaid.

Petition must be published.

Damages must be claimed within thirty days.

SEC. 2. That original section eleven of the above-recited "act to provide for the creation and regulation of incorporated companies," be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Requiring assessors to make a return of necessitous soldiers' families, and estimated amount required for their relief.

Assessors to take enumeration of necessitous soldiers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the several assessors of townships, election districts and wards, at the time of making the annual assessment of personal property for the year 1866, to take an enumeration, showing the number of soldiers' families, and soldiers without families, resident within their respective townships, who are in necessitous circumstances and needing relief, under the act granting relief to soldiers' families, in addition to pensions received from the government of the United States, and the estimated amount so required, and shall return the number and amount so ascertained to the county auditors of their respective counties, on or before the third Monday in May, 1866.

SEC. 2. That it shall be the duty of the auditors of the several counties, to furnish to the assessors of their respect-

ive counties such blanks as may be necessary for taking the aforesaid enumeration; and within twenty days after said enumeration is returned to them, make out and forward to the auditor of state, a statement showing the number of soldiers and soldiers' families in necessitous circumstances, and the amount estimated, as required, to sustain them, which return the auditor of state shall include in his annual report to the governor.

County auditor to furnish blanks;

—and make return to auditor of state.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend the first section of an act entitled "an act supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed April 6, 1852. [1865.]

62 O. L. 86.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the act entitled an act passed April 6, 1865, supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, be so amended as to read as follows:

Section 1. That any turnpike or plankroad company hereafter incorporated under the act to which this is supplementary, for the purpose of constructing any turnpike or plankroad from any mine or quarry to any railroad, canal, slackwater navigation, other navigable water, macadamized road or place within or upon the borders of this state, may, when such road is completed, charge and collect such amount of toll from teams hauling the products of such mines or quarries on said road as its directors may determine, not exceeding four cents per mile for two horse teams, and an increase of two cents per mile for each additional horse; provided, such rates shall not be charged for teams hauling the products of such mines or quarries for more than eight miles, nor shall other travel on such roads be charged more than the ordinary rate of toll per mile, as allowed by the general law, and in all other respects the said company shall be governed by the laws now in force, or which may hereafter be enacted in relation thereto.

Rates of toll.

SEC. 2. That section first of the act to which this is amendatory be and same is hereby repealed; all charters or other rights acquired under or by virtue of the same, are hereby saved.

SEC. 3. This act shall take effect from and after the first day of May, 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Supplementary to "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, (S. & C., Sec. 26, page 1491), and the amendment passed March 11, 1854 [1853] (S. & C., 1527), and a supplementary act passed April 8th, [5th] 1856 (S. & C., 1542), and supplementary to the act passed April 12th, 1858, (O. L., Vol. 55—70,) and supplementary to the act passed March 11th, 1863, (O. L., Vol. 60—14,) and supplementary to the act passed March 25th, 1864, (O L., Vol. 61, page 64), and the act passed April 11th, 1865, (O. L., Vol. 62, page 117.)

3 Curwen, 2153.
4 Curwen, 2729—3078.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That to promote convenience and expedition in the construction of sewers or drains in all cities, except cities of the first class, having a population exceeding one hundred thousand inhabitants, in which a system of main sewers is now or may hereafter be established, it shall be lawful for the city council of such cities to subdivide the main sewer districts into such number of lateral or branch sewer districts, each having a common outlet into a main sewer, as the board of city improvements shall recommend, and the cost and expense of constructing the sewers and their appurtenances in the different streets and public highways within such branch or lateral sewer district shall be levied and assessed pro rata upon the feet front of the different lots or parcels of land bounding or abutting upon the streets or public highways through or by which sewer or sewers may pass; provided that (nothing) before the construction of the sewers or any one of them in such lateral or branch sewer district shall be ordered, it shall be the duty of the board of city improvements to report to the city council a plan for all the sewers in such lateral or branch sewer district, together with an estimate of their total cost and the pro rata tax or assessment upon the feet front in such district: provided, also, that if such city council shall determine to build only a portion of the sewer or sewers in such lateral or branch sewer districts, it shall be lawful in such case to levy and assess the pro rata cost of constructing the whole of the sewer or sewers in such districts upon the lots or parcels of land bounding or abutting upon the streets or public highways through or by which said portion of such sewer or sewers may be constructed, and the excess in the cost of the sewer or sewers so built, over and above the estimated pro rata cost for the whole district, shall be levied and assessed pro rata upon the feet front of all the lots or parcels of land abounding or abutting upon the streets or public highways in such districts in which the sewer or sewers are not at that time completed.

Lateral or branch sewer districts.

Cost of construction—how assessed.

SEC. 2. It shall be lawful for the city council, upon the recommendation of the board of city improvements, to provide, by ordinance or otherwise, for the construction of proper house connections, branches leading into all main or branch sewers, water pipes and gas pipes in all streets about to be paved, macadamized or otherwise permanently improved, and to assess the cost and expense thereof upon the lots or parcels of land for the accommodation of which such connections may be constructed; provided, that in no case, excepting as a sanitary measure, shall such city council require said house connections to be built further from such sewer than to the outer line of the curb stone in such street or public highway so improved. The provisions of this section shall apply to all cities, both of the first and second class.

House connections.

SEC. 3. That parties owning property abutting upon any street or public highway, in or through which any public sewer or drain is now or may hereafter be constructed, shall have the privilege of tapping and using the same for the purpose of draining their premises, under such rules and regulations as may be prescribed by the board of city improvements, and the city council may, by ordinance, require persons contracting to build such house connections, to procure a license from said board, and charge therefor such sum as may be ordained.

Property holders may have privileges to tap sewer.

SEC. 4. That whenever the improvements contemplated in this act shall have been recommended by the board of city improvements, and the plans and estimates approved by the city council, an ordinance may be passed to provide for the same, which ordinance shall require for its passage a vote of two-thirds of all the members of the city council, unless such improvement is petitioned for by a majority of the property owners in such lateral or branch sewer district. Said ordinance shall state the amount to be assessed upon each foot front and briefly describe such corner lots, having a greater frontage on such sewer than their average depth, as may, in the opinion of the board of city improvements, be entitled to exemption from taxation on a portion thereof, and the number of feet front so exempt from each; provided, that before the city council shall adopt such assessment, two weeks notice shall be given in the official newspaper of the city, that such an ordinance is pending before said city council, and any persons having objections to such assessment shall file their objections in writing with the city clerk, within ten days after the expiration of said notice, and if objections shall be made to such assessment, and there appears to be reasonable grounds for such objections, said assessment may be set aside, whereupon the board of city improvements shall be directed to report such plans and estimates for the work as in their judgment will be for the best interests of the property owners affected thereby, which plans and estimates so reported, if adopted by said city council, shall be final. But if no objections are made within the time above specified, said council may confirm said first assessment at any time thereafter; said ordinance shall also declare the time within which

When city council may order improvements to be made.

Assessment.

Objections may be filed with city clerk.

When council may confirm assessment.

said assessment shall be paid into the city treasury or to the person or persons entitled to receive the same, under any contract with the city, as the case may be, and if the amount so assessed be not paid within such time, interest at six per cent. may be demanded and recovered; said assessment shall be binding on the owner or owners of such lots or parcels of land personally, and shall also be a lien upon such lots or parcels of land as against any owner or owners, or any person or persons claiming any interest whatever therein, and the amount thus assessed, together with the interest and a penalty of five per cent., may be recovered by suit before a justice of the peace or other court of competent jurisdiction, against such owner or owners, in the name of such city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same. And such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or action, and proceed as in other cases. And it is further provided, that in any proceedings against any such owner, if it shall appear that, by reason of any irregularity or defect whatever, in the proceedings of the board of city improvements, or the ordinance, plans or estimates aforesaid, the amount purporting to be due is not properly recoverable, still, on proof that the defendant was, at the time the materials were furnished and the work done, the owner of such lot or parcel of land, so much of the cost of said work and materials as would, if irregularity had existed, have been properly chargeable, may be recovered, but in such cases the court may adjudge as to cost as may be deemed equitable and proper.

Assessment shall be a lien upon property.

How lien enforced.

All incidental expenses to be included in assessment.

SEC. 5. That it shall be lawful for such city council to include, as a portion of the cost and expense of constructing the sewers herein provided for, the cost of printing the necessary notices and ordinances, and add such cost to the estimate, and assess the same with the other costs and expenses upon the property within such district.

SEC. 6. That the provisions of this act may be extended to any portion of the territory embraced within the corporate limits of such city, and not embraced within any of the established main sewer districts, either by reason of any subsequent annexation of territory, or on account of the peculiar topographical formation of such territory.

SEC. 7. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize hydraulic companies to appropriate lands for the construction of canals for hydraulic purposes.

Company may enter upon lands and make surveys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any company incorporated under the laws of this state, for hydraulic or manufacturing purposes, to whom the board of public works, for a stipulated revenue, has or shall have leased and granted the right to use and employ the surplus water of any of the public canals of this state, for propelling the machinery of such company, to enter upon any land, or across which it may be desired to build, excavate, or construct its hydraulic canal, race-ways, or water-channel for conveying and discharging such surplus water to and from the point at which it is desired to employ the same, and to survey the route thereof.

Company must file petition in probate court.

SEC. 2. Before any such corporation shall appropriate private property to the uses specified in the preceding section, it shall file in the probate court of the county in which it proposes to erect and operate its hydraulic works, a petition, particularly describing the line of its proposed canal, race-way and water channel, and the lands proposed to be appropriated, together with a general statement of the kind of works it proposes to erect and operate; it shall also state therein, that the erection and operating of such works will be subservient to the public welfare.

Notice of filing petition must be published.

Notice of the filing and object of said petition shall be published for at least four consecutive weeks prior to the hearing thereof, in some newspaper published, or of general circulation, in said county; which notice shall contain a description of such proposed route, and shall specify a time when the said petition shall be for hearing. Said notice shall be subscribed by the judges of said court.

Court to hear and determine petition.

SEC. 3. On the day mentioned in such notice for the hearing of said petition, or as soon thereafter as it shall be convenient for the court and counsel, the said probate court shall hear and determine the same, and if the court shall be satisfied that the matters stated in the said petition are true, and that the erection and operating of such works will be subservient to the public welfare, it shall so find and adjudge, and enter its judgment of record; said company shall pay the costs of said proceeding.

When company may proceed.

SEC. 4. After there shall be a finding and judgment as aforesaid, and not otherwise, the said company may appropriate so much of the said lands as may be deemed necessary for its canal, race-way or water-channel, with the necessary culverts, waste-weirs, aqueducts, water-gates, abutments and fixtures, and the right of way over any adjacent lands sufficient to enable such company to construct and repair the same. A certified copy of the judgment of the court aforesaid, under the seal thereof, shall be sufficient evidence of such company's right to condemn and appropriate private property for the uses and purposes of its incorporation; but no appropriation of private property to the use of any corporation

Compensation to owners of property.

provided for in this act, shall be made until full compensation therefor shall be first paid in money, or first secured by a deposit of money to the owner or owners, irrespective of any improvements proposed by such corporation. And said company, in their proceedings to appropriate any lands for the purposes aforesaid, shall be governed in all respects by the provision of an act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the acts amendatory thereto.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

3 Curwen, 2074.

To amend section one hundred and thirty-six of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts." (S. & C., page 794.)

Exceptions—when can be taken, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and thirty-six of the above-recited act, be amended so as to read as follows:

Section 136. "Exceptions to the opinion of the justice in cases under this article, upon questions of law and evidence, may be taken by either party, whether tried by jury or otherwise;" but in proceedings to reverse, vacate, or modify the judgment or final order of the justice made in such cases, the petition in error can be filed in the court of common pleas, only by leave of said court or a judge thereof, or in the absence of such judge from the county, by leave of the judge of the probate court of such county, and upon notice of such application to be first given to the opposite party.

SEC. 2. That section 136 of the above-recited act, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To further to provide for the government of Longview asylum, and to amend the acts amendatory and supplementary thereto, passed February 27, 1861, passed April 11, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of said act be amended so as to read as follows:

Directors must keep record of proceedings, and make annual report to governor.

Section 6. The directors shall make a record of their proceedings at all meetings, in a book to be kept for the purpose, and at their annual meeting shall make a report to the governor of the condition and wants of the asylum, which shall be accompanied, by a full and accurate report of the superintendent, and a detailed account of all the moneys received and paid out by the steward, and at the same time they shall transmit a copy of their report and the accompanying documents to the commissioners of Hamilton county. One of the directors shall act as secretary of the board.

SEC. 2. That section seven of said act be amended so as to read as follows:

Annual meeting of directors.

Section 7. The directors shall hold their annual meeting on the first Tuesday of November, in each year, at the asylum. All special meetings of the board shall be held at the asylum, at such times as the board shall direct, and it shall be the duty of said board of directors to meet as often at least as once a month, for the transaction of general or special business.

SEC. 3. That section eighteen be so amended as to read as follows:

Who admitted into asylum.

Section 18. That said Longview asylum shall be open to the admission of all insane persons over the age of seven years, having a legal settlement in Hamilton county; provided, that no person shall be entitled to admission, except persons whose insanity has occurred after such persons have acquired a legal settlement. And the said board of directors shall provide a separate ward or separate wards in said asylum for the colored lunatics of said county.

SEC. 4. This act to take effect and be in force from and after its passage, and said sections six, seven, and eighteen, of the above recited act, are hereby repealed.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Supplementary to an act entitled an act to provide against the evils resulting from the sale of intoxicating liquors in the state of Ohio, passed May 1, 1854. (S. & C. page 1431.)

4 Curwen, 2669.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or per-

Unlawful to sell liquor to intoxicated persons, or minors.

sons, to buy for or furnish to any person, who is at the time intoxicated, or in the habit of getting intoxicated, or to buy for or furnish to any minor, to be drank by such minor, any intoxicating liquors whatsoever, unless given by a physician in the regular line of his practice.

SEC. 2. That for every violation of the provisions of the first section of this act, every person so offending shall, upon conviction thereof, forfeit and pay a fine of not less than ten nor more than one hundred dollars, or be imprisoned in the jail of the county, for not less than ten nor more than thirty days, or both of them, at the discretion of the court, and shall pay the costs of prosecution.

Penalty.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To revive section forty-one of an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, (S. & C., page 297,) and to repeal an act therein named. (Ohio Laws, Vol. 61, page 106.)

3 Curwen, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-one of an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, be and the same is hereby revived as follows:

Failing to keep road in repair forfeits right to collect toll.

Section 41. That if any turnpike or plankroad company shall fail to keep its road in repair, for five days successively, any person may file a complaint in writing before any justice of the county, setting forth the nature of the defect complained of, designating the place in the road where it exists, and it shall be the duty of said justice to appoint two disinterested persons as inspectors, to meet at the place complained of within five days, and of the time and place of meeting reasonable notice shall be given to the gate keeper nearest the place of meeting, and the inspectors shall there examine into the truth of the matter complained of, and if they shall find the complaint to be true, they shall send a certified copy of the complaint and of their finding thereon, to the keeper of each of the gates between which such defective place shall be, and thereafter no toll shall be received at such gates for the intermediate distance until the parts of the road complained of shall be fully repaired, and if the keeper of such gate shall demand and receive toll contrary to the provisions of this act, he shall be liable to pay the sum of five dollars to the party injured, to be recovered by action of debt before any justice of the peace having jurisdiction, and the company

moreover shall be liable to any person injured, for the damages sustained by reason of such road being suffered to remain out of repair by the neglect of the company, and the inspectors and justice of the peace shall be entitled to receive one dollar per day for their services, which shall be paid by the company if the complaint be sustained, and if it fail, then by the complainant, and to the amount so taxed shall be added the expense of sending the notice to the gate keepers as required by this act, which shall be paid as aforesaid.

SEC. 2. That an act passed March 30th, 1864, entitled an act to amend an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To regulate foreign insurance companies.

Certificate must be filed with auditor of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall not be lawful for any insurance company, not incorporated by the laws of this state, after the taking effect of this act, by any officer or agent thereof, to take any risks, or issue any policy of insurance, or transact any business of insurance in this state until such company has filed with the auditor of state a statement, verified by the oath or affirmation of its president or secretary, which shall show that such company is possessed of an actual capital of at least one hundred and fifty thousand dollars, either in cash on hand, or in bonds of this state or of the United States, or other security, estimated at their true cash value.

Auditor of state to issue license to agents.

SEC. 2. Upon the filing of the statement verified as aforesaid, and furnishing the said auditor with satisfactory evidence of such capital and investments as aforesaid, it shall be the duty of said auditor to issue a license to such company, authorizing the same, through its officers or agents, to carry on the business of insurance in this state.

Renewal of statement each year.

SEC. 3. The statement required as aforesaid, shall be renewed in the month of January of each year thereafter, and the said auditor, on being satisfied that the said capital remains secured to the amount of one hundred and fifty thousand dollars, as provided in the first section of this act, shall renew such license.

SEC. 4. The statement required as aforesaid shall be made up to a period within one month preceding the filing of the same with the said auditor, as herein required.

When auditor may revoke license.

SEC. 5. If at any time after the filing of the statement, as required by this act, it shall be made to appear to the said auditor that the available capital, as aforesaid, of any such company has, from any cause, been reduced below the said sum of one hundred and fifty thousand dollars, it shall be his duty to revoke the license so granted to such company, by written notice to the company of such revocation.

SEC. 6. If at any time after such revocation, as aforesaid, such company shall furnish satisfactory evidence to said auditor of having made up its capital, in accordance with the first section of this act, to the said sum of one hundred and fifty thousand dollars, the said auditor shall, on request, renew the license of such company.

SEC. 7. The said auditor shall require to be paid him, in each case, the sum of five dollars for the examination of the statement, as aforesaid, and the investigation of the evidence of the amount of capital and the investment herein required, and the sum of two dollars for each license or renewal, which sum, immediately on its receipt, the said auditor shall deposit in the office of the treasurer of state, charging said officer with the amount thereof; and the same shall be placed by the said treasurer to the credit of the state.

Penalty for doing business without license.

SEC. 8. Any person who shall issue or deliver any policy or ticket of insurance, or collect any premium of insurance, or transact any business of insurance in this state, for or on account of any insurance company not incorporated by the laws of this state, without having obtained the license herein prescribed, or who shall in any manner violate the provisions of this act, shall, on conviction thereof in any court of competent jurisdiction in this state, be fined in any sum not less than two hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than ten days nor more than sixty days, or both, at the discretion of the court.

SEC. 9. This act shall take effect and be in force from and after the first day of June, 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To provide for the erection of a hospital in cities of the first class, having a population of over one hundred thousand inhabitants.

What lands may be appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the first class having a population over one hundred thousand inhabitants, shall have power to enter upon and take possession of such lands as may be deemed necessary for hospital purposes, laying within the square of such city within which it may

now own a hospital, and said lands shall not be used or appropriated for any other purpose than as hereinbefore mentioned; the proceedings for appropriation and condemnation shall be the same as provided in sections twenty-seven, twenty-eight and twenty-nine of the act for the organization of cities and incorporated villages, passed May 3d, 1852.

Hospital commissioners—their powers and duties.

SEC. 2. That the council of said city shall appoint a committee of three members of their own body, who, in connection with the board of trustees of the said hospital, shall constitute a board, to be called the "hospital commissioners," who are hereby authorized to erect a suitable building for a hospital, on the site dedicated for that purpose. They shall have power to adopt a plan, to appoint and fix the compensation of a clerk, an architect and a superintendent of the work, or either of them, and to make all contracts for the execution of the same. No money shall be drawn for the purchase of land, as provided in section first of this act, or for the erection of said hospital, otherwise than on the allowance of said board, and upon the warrant of the city auditor.

Record of proceedings must be kept.

SEC. 3. The said commissioners shall keep a record of their proceedings, and it is essential to the validity of every contract entered into or made by them, that the same shall have been assented to at a regular meeting of the board, and concurred in by a majority of all the members, and entered on the minutes of their proceedings. They shall receive no compensation for their services, and shall not be directly or indirectly interested in any contract concerning said building.

No compensation allowed.

Specifications, contract, bond, &c.

SEC. 4. It shall be the duty of the commissioners to cause plans, specifications and full-sized detail drawings and forms of bids to be prepared, and when adopted by them, they shall have the said plans and drawings lithographed, and together with the specifications and forms of bids, printed for distribution to bidders. They shall also cause a form of contract and bond to be prepared by the city solicitor, and have the same printed.

Contracts.

SEC. 5. All contracts shall be made in the name of the city, and it shall be stipulated therein that the contractors will not execute any extra work, or make any modifications or alterations of the work mentioned in the specifications and plans, unless ordered in writing by the board, and that they will not claim any pay for the same unless such written order is given. Copies of the said plans and drawings, attested by the contractor, and the original bids, specifications and contracts shall be deposited in the city auditor's office immediately, on the contract being entered into.

Commissioners must give thirty days notice.

SEC. 6 The said commissioners shall not make any contract for work or materials, except as relates to procuring plans, drawings, specifications and forms of bids, without first causing thirty days' notice to be given in one or more newspapers of general circulation in said city, that proposals will be received for doing the work or furnishing the materials, and they shall enter into contract with the lowest responsible bidder, for the whole or part of said work, upon

Must contract with the lowest bidder.

his giving bond to the city with security, to be approved by said board of commissioners, that he will perform such work or furnish the materials in accordance with his contract. All bids entitled to consideration shall be accompanied with a bond, signed by good sureties, for the acceptance of the contracts, if awarded by the board, to fully secure any amount of difference between the next higher bid, and such amount shall be collected by the board and paid into the hospital fund, in case of refusal by the bidder to enter into contract, according to his bid, within a reasonable time, to be determined by the board. No contract, such as is contemplated in this section and in section five hereof, shall be made or entered into before the first day of March, A. D. 1867.

Council may issue bonds.

SEC. 7. That for the purpose of raising money to defray the expenses accruing from the enlargement of the site and erection of a new hospital, the city council is hereby authorized to issue the bonds of the city in sums not less than one thousand dollars each, bearing any rate of interest not exceeding the legal rate per centum per annum at the time of the issue of said bonds, payable semi-annually, the said bonds to be redeemable within thirty years from the date thereof, and shall not be disposed of at less than their par value. The aggregate amount of said bonds shall not exceed five hundred thousand dollars, and no portion thereof shall be dated prior to March 1st, 1867; provided always, that said city council shall take no action to condemn property, as is provided in section one hereof, or to issue bonds as is provided in the section of which this is a part, until said city council shall have first submitted, in manner and form as is hereinafter provided, to a vote of the qualified electors of said city, at an especial election to be held for that purpose, the question whether they shall build a hospital.

Election must be held.

SEC. 8. That the city council shall order an election to be held on or before the first Monday in July, 1866, thirty days' notice thereof to be given by the Mayor of the city; they shall provide sufficient number of printed tickets, designating both for and against the erection of a hospital, and distribute the same at every place of voting.

Electors to vote for or against hospital.

SEC. 9. That the electors of said city, at this special election, shall endorse on their tickets either the words "*for* erection of a new hospital" or "*against* erection of a new hospital," and the judges and clerks of election in the several wards shall cause all the votes that may be so given for or against erection, to be correctly counted in the same manner that other votes are by law required to be counted, and they shall enter and certify in the poll-books respectively, the number of votes so counted for or against the erection of a new hospital, which poll-books shall be returned and opened as required by the acts regulating general municipal elections, and the officers opening the returns of said election shall certify and sign the abstracts required by law, which abstracts shall be forthwith deposited in the clerk's office and recorded, which record, or a duly certified copy thereof, shall be taken and received as legal evidence for all purposes of the result of said voting.

SEC. 10. That so much of the act entitled "an act relating to cities of the first class, having a population exceeding eighty thousand inhabitants," passed March 5, 1860, as relates to the erection of a hospital, and is inconsistent with this act, be and the same is hereby repealed.

SEC. 11. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To provide for the payment of local bounties pledged to volunteers under the calls of the president for volunteers, issued July 2 and August 4, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the boards of county commissioners in the several counties of this state, wherein was adopted the system of paying a bounty, in addition to the government bounty, to volunteers from such counties, under the calls from the president issued on the second day of July, and the fourth day of August, 1862, and such bounty was pledged to volunteers entering the service of the United States under said calls at the time of enlistment, whether so pledged by the commissioners of such counties acting in concert with military committees, or by the commissioners and committees acting independently and directly, or through sub-military committees, or by recruiting officers appointed by the governor, acting with the acquiescence of military committees, be and they are hereby authorized and required to levy, by tax upon the grand list of taxable property of such counties, for the year 1866, an amount sufficient to pay each volunteer from such county under said calls, to whom payment was pledged, all that part of said bounty remaining unpaid, together with interest at six per cent. per annum, provided that no larger amount than fifty dollars to each volunteer from any county, shall be allowed.

Local bounty under call of 1862.

SEC. 2. That to determine the number of volunteers to be paid, and the amounts necessary to be raised in the counties referred to in this act, the boards of commissioners of such counties will be governed by the corrected lists of those having enlisted from the issuing of the first call referred to in the first section of this act up to the time of making the draft under said calls, as those lists were made for the guidance of the draft commissioners, taken in connection with the bounty already paid such volunteers by the county military committees; and all taxes levied under the provisions of this act shall be

How to ascertain number of volunteers entitled to bounty.

placed upon the tax duplicate as other taxes against the same taxable property, and be styled volunteer bounty fund, and collected as other taxes, and the money so raised shall be applied to the payment of the amount due to any volunteer, as limited and restricted in section one of this act.

If volunteer is dead, bounty to be paid to his relatives.

SEC. 3. That the bounty which under the provisions of this act, would belong to any volunteer who has died or been killed in the service of the United States, shall be paid to the widow or children, or father or mother, or brothers and sisters, or legal representatives of such volunteers, to take precedence in the order named; such pay to be made upon proof satisfactory to the commissioners of such death and relationship; such bounty to be exempt from attachment or other legal process.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To protect the stockholders of railroads and shippers thereon.

Owner or stockholder of transportation company can not be officer of railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful to elect or appoint to any office of profit or trust, of any railroad corporation of this state, any person who is a stockholder, owner, or part owner of any express, dispatch, fast freight or transportation company, whether incorporated or not, which has for its object, or one of its objects, the shipment of freight, or the transportation of persons over any railroad or railroads of the United States, or who is in any way pecuniarily interested in any company or copartnership formed for any such or like purpose; and further, it shall be unlawful to employ any such person as freight or ticket agent, for any of said railroad corporations, and all such persons are hereby declared ineligible for any such office or appointment.

SEC. 2. If any person shall be elected to any office or appointed to any position in violation of section one hereof, all his official acts shall be null and void, and for every day that he shall exercise or attempt the functions of such office or appointment, he shall forfeit and pay the sum of sixty dollars, to be recovered at the suit of any stockholder of the railroad company in which said office or appointment is thus usurped, in the name of the said railroad

company, one-half of which shall go into the treasury of said company, and the other to the stockholder prosecuting.

SEC. 3. This act to take effect on the first day of July, A. D. 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Authorizing certain officers to provide internal revenue stamps for official bonds.

Revenue stamps—how procured for townships and villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of the several townships in this state, shall procure all revenue stamps, required by the laws of the United States to be placed on the official bonds of all township officers, and pay for the same out of the township fund of their respective townships; and all revenue stamps for the official bonds of officers of cities and incorporated villages shall be paid for out of the treasury of such city or incorporated village upon the order of the mayor and clerk, or recorder.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Supplementary to an act entitled an act to provide a board of commissioners to examine certain military claims, and making an appropriation for their payment, passed April 11th, 1865. (Vol. 62—p. 121, O. L.)

WHEREAS, By the above-recited act, the secretary of state, quartermaster general of Ohio, and adjutant general of state were appointed a board of commissioners to examine certain military claims therein named against the state of Ohio; and

WHEREAS, The said board organized and examined the claims presented, but some were not allowed because of the insufficiency of the proof then presented, but in favor of which it is claimed additional and satisfactory proof can now be produced, and others, because they were not provided for in said act; and

WHEREAS, Other claims now exist which were not presented to said board, and in good faith on the part of the state of Ohio requires that all just claims against the state and due her citizens shall be duly examined, audited and paid, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state, auditor of state, and adjutant general of the state, be and they are hereby constituted a board of commissioners to examine, adjust and allow such claims of the citizens of counties, towns, townships, agricultural societies or cities of Ohio, as, in the opinion of said commissioners, shall be just and proper, not otherwise provided for, growing out of military transactions, and of the following character, to wit:

Who to constitute board.

Character of claims.

First—Claims for pay of volunteers enlisted under the authority of the state or general government, for such time as they are not entitled to receive pay from the general government, although such volunteers may have been discharged without having been mustered into the service.

Second—Claims for recruiting service and the reasonable and legitimate expenses incident thereto, accruing under the authority of this state or the general government, where the contract or understanding at the time has been fully complied with on the part of the claimants and not on the part of the state or general government, through consolidation of regiments or otherwise: Provided, that this section is meant to include and authorize the payment of commissioned and non-commissioned officers and enlisted men who recruited under conditional appointments from governor Tod, made in pursuance of an agreement with provost marshal general Fry, as shown by the circular letter of the latter to governor Tod, under date of September 23, 1863, when such officers and men shall have faithfully complied with the conditions of such appointments, such payment to be the pay proper of the grade to which they were appointed, according to the United States army regulations, from the date of their appointment to recruit to the date they commenced receiving pay in that grade from the United States, deducting therefrom the amount they may have received from the United States as enlisted men during the time; and provided, further, that in auditing claims for expenses under this section, only those claims shall be entertained for which no provision has been made by the general government or in which it is impossible to meet the requirements of the general government, through loss of papers, lapse of time, or otherwise.

Third—All claims of commissioned officers of regiments, battalions or companies, raised or authorized to be raised for the army of the United States for the time such officers were actually engaged, under appointments from the governor in organizing such regiments, battalions or companies, or doing duty in camps of redezvous or instruction, before their muster into service of the United States: provided, that no officer who, after muster into the service of the United States, shall have been dishonorably discharged from such service, shall receive any compensation by virtue of this act.

Fourth—Claims for quartermasters' stores, clothing, blankets, shoes, caps, fuel, medicines and other goods furnished volunteers on orders from commissioned officers not lower in rank than colonel or other officer commanding a regiment, in command of such volunteers, or where an entire company has been furnished with clothing, uniforms and blankets at the instance of the captain thereof, to be paid for at rates not exceeding government prices for like articles.

Fifth—Claims for necessary transportation, traveling expenses and subsistence of such volunteers, or of militia when called out for the purpose of protecting the state against invasion, threatened invasion or raid.

Sixth—Claims for labor, hospital services, teaming and printing, or for services as surgeon.

Seventh—Claims for supplies furnished to, labor done for, and grounds used for camps under contracts authorized by the governor or other proper officers, by the regiments of state militia organized under the acts of the general assembly of the state, passed April 26th, and May 8th and 14th, 1861.

Eighth—Claims for services rendered and transportation furnished under the draft of 1862, which were not rejected upon their merits by the governor and other officers who were authorized to audit and adjust such claims by the secretary of war.

Ninth—Claims for labor, hospital services, medical attendance, teaming and printing and for medical or other supplies furnished for the use of camps of militia, held under authority of the laws of Ohio; all claims allowed under this clause to be paid out of the state military fund.

Tenth—Also claims for the use of grounds occupied under contract, made by authority of the governor or any military officer commanding a regiment of volunteers, and used for camps and for damages thereto.

General powers of board.

SEC. 2. The said board shall have power to call witnesses before them and examine them under oath, which oath may be administered by either member thereof or their clerk, to require the production of books and papers by order, served by the clerk, to make all necessary rules, general or special, which may be necessary in the premises, and decide all claims, fixing the amount as, in their judgment and with the evidence before them, shall seem just and equitable; and shall hold regular meetings at least twice in each month, on the first and third Tuesdays thereof, and at which claimants may appear and present their claims, either in person or by their agent or attorney.

No compensation to board.

SEC. 3. Said board and attorney general shall receive no compensation for their services, and in case either should refuse or be otherwise unable to serve on said board, the vacancy shall be filled by appointment by the governor, and it shall require the endorsement of at least two of said commissioners, on triplicate vouchers, fixing the sum allowed, to entitle the claimant to pay.

Board may appoint a clerk.

SEC. 4. Said board is hereby authorized to employ a competent clerk, whose duty it shall be to keep a full and

Clerk's duties and compensation.

correct record of all claims presented, make true abstracts thereof for the use of the board, execute all orders of the board, and receive as compensation such sum as the board may fix, which compensation, together with the necessary expenses in executing orders, &c., shall be paid from an appropriation contained in the eighth section of this act, and there is hereby appropriated from any money in the treasury not otherwise appropriated the sum of forty thousand dollars, to pay the claims which may be allowed by said board of commissioners under this act.

SEC. 5. The said board shall report the result of its investigations to the governor on or before the 15th day of December of each year, to be by him presented to each session of the general assembly of this state, and said board shall preserve triplicate vouchers for all claims allowed, with a view to having the same refunded by the general government.

When claims allowed auditor to draw order on treasury.

SEC. 6. In all cases where a claim is allowed by said commissioners, they shall immediately certify the same to the auditor of state, who shall draw an order on the treasurer of state in favor of such claimants for the amount so allowed. It is hereby made the duty of the attorney general to appear and represent the state before said commissioners, where said claims are investigated, and then and there consult the validity of such claims, if, in his opinion, the same should not be allowed.

Claims rejected under former acts not to be examined, except in certain cases.

SEC. 7. That said board shall not re-examine any claims which were presented to, examined and rejected by the board of commissioners appointed under the acts entitled "an act to provide a board of commissioners to examine certain military claims and making appropriations for their payment," under the acts passed May 1st, 1862, April 13th, 1863, March 30th, 1864, or the supplementary act of April 11th, 1865, except such claims as were rejected by the board for the reason that they were not provided for under the existing law, or upon the sole ground of the insufficiency of proof, when additional proof is offered.

SEC. 8. That for the ordinary and necessary expenses of said board, including clerk hire, there is hereby appropriated out of the general revenue the sum of one thousand doll rs, and the said board shall keep an account of such expenses, and report the same to the governor, which shall likewise be presented by him to the general assembly, at each session thereof.

SEC. 9. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Supplementary to an act to establish a civil code of procedure, passed March 11, 1853. 3 Curwen, 1939.

Notice of sales must be published in German paper, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county containing a city of the first or second class, and wherein a newspaper or newspapers in the German language are printed, all public notices of sales of real estate by virtue of any execution, order, or decree of any court of record in such county, now by law required to be published in any newspaper, shall, in addition to the publication heretofore required, wherever the appraised value of such property exceeds one thousand dollars, be published in such German newspaper, or if more than one be printed in such county, in that which the commissioners of said county shall have designated, or shall hereafter designate for the publication of such advertisements; and said notice shall be published in such German paper in the same manner and for the same time that said notices are now by law required to be made and published, but no error or mistake, with or in the contents of such notice, or the time of its publication shall delay the proceedings in court, or affect the title to the property sold; and, provided, that the court may, on motion, dispense with said advertisement in such German paper.

Costs.

SEC. 2. All costs accruing under this act shall be charged as other costs in the case, and the clerk of the court, sheriff, auditor, commissioner, or other officer charged with giving such notices as are herein required, shall be entitled to the same fees as they are now for like services.

SEC. 3. The officer required to give such notice may refuse to have the same published, unless the party, his agent or attorney, upon whose petition the sale of said real estate was ordered to be made, advance to such officer, upon proper demand made by him for the same, sufficient money to discharge the fees of the printer for publishing such notice, and the omission of such publication shall not affect or delay the proceedings of sale.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend an act entitled "an act concerning notaries public and commissioners, and prescribing their duties," passed March 13th, 1856. (S. & C., page 873.) 4 Curwen, 3030.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an act entitled "an act

concerning notaries public and commissioners, and prescribing their duties," passed March 13th, 1856, be amended to read as follows:

Who shall not be appointed as notaries public.

Sec. 7. No banker, broker, officer or clerk of any bank, banker or broker, shall hold the office of notary public in this state; nor shall any stockholder, attorney, or agent of any bank, banker or broker be competent to act as notary public in any matter to which such bank, banker or broker shall be a party in interest; and in every instrument of protest, the notary making the same shall certify that he has no interest in the instrument protested.

SEC. 2. That section nine of the act aforesaid be amended so as to read as follows:

Fees.

Sec. 9 For the presentment, demand, notice to drawers and indorsers, and instruments of protest, of each bill of exchange or promissory note, the notary public shall receive the sum of one dollar; and for recording each instrument by him required to be recorded, the sum of ten cents for each one hundred words, and no more; and for his services in taking and certifying acknowledgments of deeds, mortgages, liens, power of attorney and other instruments of writing, and for taking and certifying depositions and affidavits, administering oaths, and other official services, he shall receive the same fees as are or may be allowed by law to justices of the peace for like services; and in taking depositions, he shall have the same power to compel the attendance of witnesses, and to punish witnesses for refusing to testify, which are or may be by law vested in justices of the peace; and all sheriffs and constables in this state are hereby required to serve and return all process issued by such notaries in the taking of depositions.

4 Curwen, 3031-

SEC. 3. Sections seven and nine of the act to which this is an amendment, be and are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the election of one additional judge of the court of common pleas in the first subdivision of the sixth judicial district.

Additional judge—how elected, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the sixth judicial district of the state of Ohio, there shall be one additional judge of the court of common pleas, who shall be a resident of the first subdivision of said district, composed of the counties of Delaware, Knox and Licking, and be elected by the qualified electors

of said counties at the next annual election of state and county officers, in the same manner and for the same time, as is prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, and, when elected and qualified, shall have in all respects the same power, and discharge the same duties as are conferred or enjoined by the constitution and laws of the state of Ohio upon other judges of said courts; and any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled as in other cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend section fourteen of an act passed March 12, 1831, entitled "an act for the prevention of gaming." 3 Curwen, 2483.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of an act passed March 12, 1831, entitled "an act for the prevention of gaming," be so amend as to read as follows:

Section 14. That all fines and forfeitures imposed by the provisions of this act, shall be collected and paid over to the treasurer of the proper county within twenty days after the collection thereof, to be applied to county purposes; and for all fines and costs assessed against any person or persons for any violation of this act, except the fines imposed by sections six and seven, and for all damages and costs recovered by any person or persons in action brought under the act to which this is amendatory, to recover back money lost at gaming, the real estate and personal property of such person or persons so fined, or against whom such damages and costs may be recovered, of every kind, without exemption, shall be liable for the payment thereof, and all such fines and costs, and damages and costs hereinbefore referred to, shall be a lien upon such real estate until paid; and said fines and costs, and said damages and costs, shall also be and remain a lien on the real estate and building so used and occupied for gaming, contrary to the act to which this is amendatory, and in which the money so sought to be recovered shall have been lost, until said fines and costs, or said damages and costs, be fully paid; provided, the owner of the real estate or building so used and occupied, rented the same, or knowingly permitted it to be used for the purpose of gaming; provided further, if such real estate and building, or either

Fines, how collected.

of them, belong to any minor, insane person or idiot, the guardian or guardians of such minor or minors, or insane person or idiot, who has control of such real estate and building, or either of them, knowingly permitted said estate or building to be used for the purpose aforesaid, shall be liable for and account to such ward or wards, insane person or idiot, for all damage in consequence of the use and occupation of such real estate and building, and liabilities for such fines, damages and costs, as aforesaid.

3 Curwen, 2486.

SEC. 2. That original section fourteen of the act to which this is amendatory, be and the same is hereby repealed.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

For the inspection of gas meters, the protection of gas consumers, and the protection and regulation of gas-light companies.

Inspector to be appointed by governor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall, with the advice and consent of the senate, appoint an inspector of gas meters and illuminating gas, who has a thorough knowledge of the chemical composition of illuminating gas, and of the structure and practical operations of gas meters, whose office shall be in

—his duties.

the city of Columbus, and whose duty it shall be, when required, as is hereinafter provided, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters to be used for measuring the quantity of illuminating gas to be furnished to or for the use of any person or persons, and when found to be correct, to seal, stamp or mark all such meters, and each of them, with some suitable device, and with his name, the date of his inspection, and the number of burners it is calculated to supply; such device shall be recorded in the office of the secretary of the state.

—Term of office.

SEC. 2. Said inspector shall hold his office for the term of two (2) years, and until the appointment of his successor; he shall not in any way or manner, directly or indirectly, be

Must not be pecuniarily interested in any manufacturing.

interested pecuniarily in the manufacture or sale of illuminating gas, or gas-meters, or of any article or commodity used by gas-light companies, or for any purpose connected with the consumption of gas, or with any gas company; and shall not give certificates or written opinions to any maker or vender of any meter, or of any such article or commodity; and he shall be duly sworn to the faithful performance of his

Bond and oath.

duties, and shall give bond in the sum of five thousand dollars ($5000) for the faithful performance of the same.

Must furnish list of companies.

SEC. 3. Said inspector shall, within three months after his appointment, furnish to the treasurer and auditor, a list

of all the gas-light companies in operation in the state, and his salary for the year then commenced, and annually thereafter, shall be assessed and paid into the treasury of the state, by the several gas-light companies in this state, in amounts proportionate to their appraised valuation, as declared in the returns required in the general statutes of this state; and in case such gas-light companies, or any or either of them, shall refuse or neglect to pay into the treasury the amount or portion of said salary which shall be by said treasurer required of them respectively, for the space of thirty days after written notice given by said treasurer to them respectively, to make such payment, then the said treasurer shall institute an action in the name of, and for the use of the state, against any such delinquent gas-light company for their said portion or amount of such salary, with interest thereon at the rate of six per centum per annum, from the time when said notice to make such payment was given, and the costs of the action.

Companies must pay inspector's salary.

SEC. 4. Whenever the inspector shall find himself unable to attend to his duties in any city or town of any county, he shall appoint temporarily, and for such time as he may deem expedient, one or more deputy inspectors of meters for such county, who shall act under his direction. They shall be duly sworn to the faithful performance of their duties, shall be as fully qualified as the state inspectors, and shall not in any manner be connected with or employed by any gas company, and shall be subject to the same disabilities as are set forth in section second, and shall be paid by fees for examining, comparing and testing gas meters, with or without stamping them, which fees shall be twenty-five cents for each meter delivering a cubic foot of gas in four or more revolutions, vibrations or complete repetitions of its action, and thirty cents for each meter delivering a cubic foot of gas in any less number of revolutions, as heretofore described, and for each meter thus delivering more than one cubic foot of gas, as before named, the further sum of twenty cents for every additional cubic foot of gas delivered; provided, however, that in all cases of inspection by the deputy inspector, the gas company or consumer may appeal to the state inspector, from the deputy inspector's decision.

Deputy inspectors—their duties fees, &c.

SEC. 5. The standard or unit of measure for the sale of illuminating gas by meter, shall be the cubic foot, containing sixty-two and three hundred twenty-one one thousandth pounds avordupois weight of distilled or rain-water, weighed in air, of the temperature of sixty-two degrees Fahrenheit scale, the barometer being at twenty-nine and one half inches.

Standard measure.

SEC. 6. No meter shall be set after the first day of October, 1866, unless it be sealed and stamped in the manner required by this act; and any company authorizing the setting of any such meter, or allowing the same to be used by any consumer of gas without being sealed and stamped, shall forfeit and pay a fine in any sum not less than twenty-five dollars, nor more than one hundred dollars, to be recovered upon the application of any such consumer, in the name of the state of Ohio, before any court of competent jurisdiction.

Penalty for using meter not stamped.

SEC. 7. There shall be provided, at the expense of the gas companies of this state, at the office of the inspector, a standard measure of the cubic foot, and such other apparatus as in his judgment shall be necessary, for the faithful performance of the duties of his office.

Gas-holders for testing meters.

SEC. 8. Every gas-light company with a capital paid in of seventy-five thousand dollars or more, and every maker and vender of meters, shall set up at some convenient place upon their premises a gas holder, to be tested, and if correct, stamped and sealed, containing five or more cubic feet, by means of which meters shall be tested, at the average pressure at which gas is supplied in the city or town where they are to be used, attention being paid to the temperature of the room where the trial is made, of the apparatus, and of the gas. There shall be provided by every gas-light company

Test meters.

a test meter, of a construction approved by the inspector and stamped by him, to be used in cities and towns where no test gas holders are provided, or whenever proving by a gas holder is impracticable or inconvenient, in the examination of a meter, the inspector shall see that it is of an approved principle, and shall give his particular attention to the measure of the dial plate; he shall prove the meter when set level, and for each burner which the manufacturer has stamped it to register, it shall be capable of passing gas accurately, at

Dry meters.

the rate of six cubic feet per hour; and no dry meter shall be stamped correct, which varies more than three per cent. from the standard measure of the cubic foot; and no meter shall be stamped correct, which is capable of registering more than three per cent. against the consumer or the company. He shall keep at his office a correct record of all

Record of meters must be kept.

meters inspected by him, with their proof at the time of inspection, which record shall be open at all times for examination by the officers of any gas-light company in this state.

Old meters may be tested.

SEC. 9. Meters in use shall be tested on the request of the consumer, or the gas-light company, in the presence of the consumer, if desired, with sealed apparatus, as provided for in section eight, by the inspector or deputy inspector. If the meter is found to be correct, the party requesting the inspection shall pay the fees named in section four, and the expense of removing the same for the purpose of being tested, and the reinspection shall be stamped on the meter; if proved incorrect, the gas-light company shall pay such expenses, and shall furnish a new meter without any charge to the consumer. No gas company shall have the right to charge rent for meters when one hundred cubic feet per month have been consumed. The inspector shall have no authority to discriminate [disconnect] from, or readjust meters to the consumer's fittings without written consent from the company.

When gas to be considered merchantable.

SEC. 10. Illuminating gas shall not be merchantable in this state which has a minimum value of less than twelve candles; that is, a burner consuming five cubic feet per hour, shall give a light, as measured by the photometric apparatus in ordinary use, of not less than twelve standard sperm candles, each consuming one hundred and twenty grains per hour;

every gas [meter] is to be tested with the burner and under the pressure best adapted to it, and the result shall be calculated at a temperature of sixty degrees Fahrenheit. Whenever requested by the mayor and aldermen of any city, or the trustees of any town, the inspector shall report to them whether the gas supplied in their respective city or town is of a legal standard, and, also, whether it is sufficiently well purified from sulphuretted hydrogen, ammonia and carbonic acid, and shall not contain more than a specified percentage of the sulphite of carbon.

Officers or agents of company may enter premises, &c.

SEC. 11. Any officer or servant of a gas-light company, duly authorized in writing by the president, treasurer, agent or secretary of said company, may, at any reasonable time, enter any premises lighted with gas supplied by such company, for the purpose of examining or removing the meters, and of ascertaining the quantity of gas consumed or supplied; and if any person shall at any time, directly or indirectly, prevent or hinder any such officer or servant from so entering any such premises, or from making such examination or removal, such officer or servant may make complaint under oath, to any justice of the peace of the county, wherein such premises are situated, stating the facts in the case, so far as he has knowledge thereof, and the said justice may thereupon issue a warrant directed to any constable of the city or town where such company is located, commanding him to take sufficient aid and repair to such premises, accompanied by such officer or servant, who shall examine such meters and ascertain the quantity of gas consumed or supplied therein, and, if required, remove any meters belonging to said company.

Company may turn off gas when consumer refuses to pay.

SEC. 12. If any person or persons supplied with gas, neglect or refuse to pay the amount due for the same, or for the rent of the meter or other articles hired by him or them of the company, such company may stop the gas from entering the premises of such person or persons; in such cases, the officers, servants or workmen of the gas-light company may, after twenty-four hours' notice, enter the premises of such parties, between the hours of eight in the forenoon and four in the afternoon, and separate and take away such meter, or other property of the company, and may disconnect any meter from the mains, or pipes of the company. No gas company shall have the right to refuse to furnish gas on account of any arrearages due the company for gas furnished to former occupants of the same premises.

Penalty for injuring or interfering with meters.

SEC. 13. Every person who willfully or fraudulently injures, or suffers to be injured, any meter belonging to any such gas-light company, or prevents any meter from duly registering the quantity of gas supplied through the same, or in any way hinders or interferes with its proper actions or just registration, or fraudulently burns the gas of said company, or wastes the same, shall, for every such offense, forfeit and pay to the company not more than one hundred dollars, to be recovered in an action brought by the company against such offenders, and, in addition thereto, shall pay the company

the amount of damage by them sustained by reason of such injury, prevention, waste, consumption or hindrance.

Penalty for using gas without consent of company.

SEC. 14. Every person who attaches any pipe to any main, or pipe belonging to any such gas-light company, or otherwise burns, or uses, or causes to be used, any gas supplied by said company, without their written consent, unless the same passes through a meter set by the company, shall forfeit and pay to said company the same fine, and in the same manner, as declared in section thirteen.

SEC. 15. This act shall apply to all companies who manufacture gas for sale, and shall take effect in three months from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend section two of the act entitled "an act prescribing the fees of county auditors," passed April 12, 1865. (Vol. 62, page 125.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above named act be so amended as to read as follows:

Fees of county auditors.

Section 2. The several county auditors of this state shall be authorized to charge and receive for their own use, in addition to the compensation provided for in section one of this act, the following fees, viz: For certificate of sale of school land, to be paid by the purchaser, fifty cents. For certificate of payment of installment into the treasury on school lands, to be paid by the purchaser, twenty-five cents. For final certificate of payment for school lands, to be paid by the purchaser, one dollar. For certificate of sale of land for taxes, to be paid by the purchaser, ten cents. For deed of land sold for taxes, one dollar and twenty-five cents, to be paid by the purchaser. For any entry of transfer of land for taxation, to be paid by persons requiring the same, ten cents. In all ditch work, in the construction of ditches, drains and water courses, the several county auditors of this state shall be allowed the following fees, to be paid by the land benefitted thereby, and collected as other taxes are colleted for like purposes: For recording the proceedings of the county commissioners, and for other recording required of them by law, twelve cents for every one hundred words. For every order drawn on the county treasury, five cents. For every certificate to pay money into the county treasury, five cents. For every contract drawn for the sale of ditch jobs assigned to individuals and not completed by [the] time specified, twenty five cents. For making bonds to secure the completion by the time specified, when sold, twenty-five cents each. For

each circular or notice furnished to printer, as required by law, at the rate of fifty cents for every one hundred words, and for all other services required by the act to provide for locating and establishing ditches, drains and water courses, passed March 27th, 1861, where the compensation is not particularly specified, the same fees as are allowed by this act for like services.

SEC. 2. Section two of the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the commissioners of the several counties of the state to receive bequests, donations and gifts, and to erect monuments to the memory of the soldiers who died or were killed in the war of 1861.

Soldiers' monuments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the commissioners of the several counties of the state to receive bequests, donations and gifts, for the purpose of erecting a monument in their respective counties, in memory of those who died or were killed during the war of 1861.

SEC. 2. That whenever, in the opinion of the board of commissioners, the bequests, donations or gifts received by them are sufficient to erect such monument as aforesaid, they are hereby authorized to proceed to the erection of such monument to the memory of the soldiers from the county, who died or were killed during the war of 1861.

Commissioners may submit question to legal voters.

SEC. 3. That in case there shall not be a sufficient amount raised by donations, bequests or gifts for the purpose aforesaid, the commissioners of the several counties of the state are hereby authorized to submit to the qualified voters of the several counties at the spring or fall election of 1867, by giving thirty days' public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, whether a tax, not to exceed one-half mill on the dollar, shall be levied or not upon the taxable property of the several counties for the purpose aforesaid, and if it shall appear that a majority of all the votes cast at said election were in favor of said levy, then the commissioners shall proceed to make said levy and erect said monument.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the adjutant general to collect statistics for Ohio's record in the rebellion.

Township trustees must report am't of money paid for bounties, relief, and sanitary purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of the township trustees of each township in the state, and the clerk or recorder of each city or incorporated village, to report to the county auditor of their respective counties, on or before the first day of September, 1866, a statement of all moneys paid by them, or contracted to be paid, for local bounties, relief fund, sanitary purposes, or for any other purpose connected with or in aid of the general government, or United States soldiers engaged in suppressing the rebellion; and it shall be the duty of the county auditor to forwad an abstract of said reports, together with a report of all similar expenditures by the county, to the adjutant-general, on or before the first day of November, 1866; and any county auditor, or township board of trustees, clerk or recorder of any city or incorporated village, who shall in any case refuse, or knowingly neglect to perform the duty required of them by this section, shall forfeit and pay to the state, not less than five dollars nor more than fifty dollars, at the discretion of the court, to be recovered before any court of record in the state; and it is furthermore made the duty of the county auditors to require the township trustees, and clerks or recorders of cities and incorporated villages, to furnish the reports named in this section, at the time prescribed, and to report any neglect or refusal to comply with said requirement to the prosecuting attorney of the proper county.

County auditors to report to adjutant general.

Penalty for neglect.

Adjutant general to furnish blanks.

SEC. 2. It shall be the duty of the adjutant-general to furnish to county auditors the necessary blanks, and instructions to enable them to carry out the provisions of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To reorganize the institution for the education of the blind, and to repeal certain laws heretofore passed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the institution for the education of the blind shall be placed under the control of a board of trus-

tees, consisting of three members, two of whom shall reside in the city of Columbus. Before entering upon their duties, each of said trustees shall take an oath to support the constitution of the United States, and of the state of Ohio, and faithfully and impartially to discharge the duties required of them by law. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint the said board of trustees—one to serve for one year, one to serve for two years, and one to serve for three years; and as their respective terms of service shall expire, their successors shall be appointed for the term of three years, in the manner herein provided. In case a vacancy shall occur in the said board of trustees, the governor shall have power, as herein provided, to fill such vacancy for the unexpired term thereof; provided, that if the senate shall not be in session, the governor shall have power to fill vacancies that may occur, and submit the appointments so made to the senate for approval at its next session.

Board of trustees.

SEC. 2. The board of trustees shall appoint one of its number as president, to preside at its meetings, and another of its number as secretary, whose duty it shall be to keep a record of the meetings and proceedings of said board, and attest the same. The board shall have power to appoint, and for good cause, remove the superintendent. They, with the superintendent, shall make such general rules as they may deem necessary for the successful management of the institution. They shall, upon the nomination of the superintendent, appoint the teachers, steward, matrons and physician, and shall fix the compensation of each, and of the superintendent, keeping within the amounts following: Superintendent, twelve hundred dollars; steward, eight hundred dollars; matron, four hundred dollars; assistant matron, three hundred dollars; physician, three hundred dollars.

Trustees to appoint officers of institution and fix their salaries.

SEC. 3. There shall be visitations and thorough examinations of all parts of the institution, monthly, by one or more of the said board, and, quarterly, by a majority of the same; and there shall be drawn up and placed on record a detailed statement of the condition of the institution, which record shall be subject to the order of the general assembly, and shall at all times be open to the inspection of the committees of the legislature on benevolent institutions.

Monthly and quarterly visitations.

SEC. 4. Annually, on the first Tuesday of November, the board of trustees and the superintendent shall meet at the institution, and shall make out full reports (accompanied by such reports from those employed in the institution as the board may deem necessary) of the condition of the institution—a detailed statement of all its receipts and expenditures, and a full list of all persons employed therein, and the amounts paid, or the terms upon which said persons have been employed during the year. The said annual reports, and the minor reports accompanying the same, shall be presented to the governor, who shall cause the same to be printed in accordance with law.

Annual meeting and report.

SEC. 5. The superintendent shall reside in the institution, and shall have the entire control of all its affairs, in all its

Superintendent—his duties, &c.

departments, and shall be responsible to the board of trustees for the efficient management thereof, and for the faithful service of all persons employed therein. He shall have power, upon such terms as he may deem proper, subject to the approval of the board, to employ such attendants, servants or other persons, as may be necessary for the economical and efficient management of the institution, assign to them their respective places and duties, and may at any time discharge them from service, keeping a record of the cause or causes of such discharge.

Steward—his duties, &c.

SEC. 6. The steward shall be well skilled in making purchases and keeping accounts, and before entering upon the discharge of his duties, shall give bond to the State of Ohio in the sum of two thousand dollars, with sureties to the satisfaction of the board of trustees, for the faithful performance of his duties. Under the direction of the superintendent he shall purchase all supplies for the institution, at their lowest cash value. He shall see that the grounds, and all other property belonging to the state, are properly preserved and kept in order, and shall perform such other duties as may be assigned to him by the superintendent.

Funds—how drawn from treasury.

SEC. 7. The treasurer of state shall, from time to time, advance to the steward of the institution, on his own order, endorsed by the superintendent and two of the trustees, on a warrant from the auditor of state, a sum not exceeding one thousand dollars at any one time, to meet the current expenses. The steward shall keep an accurate account in detail, always open to the inspection of the superintendent and trustees, of all the expenses paid out of the sums so advanced by the treasurer, and shall settle the same with the trustees and superintendent, monthly, or oftener if required; and no additional order shall be drawn on the treasurer till the settlement herein required has been satisfactorily made by the said steward.

Salaries drawn quarterly.

SEC. 8. On an order drawn in the manner prescribed in the foregoing section, the treasurer of state shall, quarterly, pay to the steward, from the appropriation for salaries, a sum equal to the amount due to the several officers and teachers in the institution, for services during the preceding quarter.

SEC. 9. The trustees shall be authorized to receive into the institution as pupils, such blind or purblind youth, residents of the state, as they and the superintendent shall be satisfied, from reliable information and examination, are suitable persons to receive instruction according to the methods therein pursued; provided, that no person shall be received who is addicted to immoral habits, or affected with any contagious or offensive disease.

Who admitted into institution.

SEC. 10. Those admitted as regular pupils must be between the ages of eight and twenty one years, and they may be permitted to remain in the institution such portion of seven years as, in the judgment of the trustees and the superintendent, their capacity and improvement shall justify. Persons over twenty-one years of age may be received for one year, for the purpose of learning any trade or employment taught in the mechanical department; and they may also

receive instruction in one or more studies, if this can be done without interfering with the purpose for which they are admitted. In addition to the time specified, three years may be allowed to such pupils as give satisfactory evidence of marked ability, and justify the expectation that they may become useful as teachers, or occupy other responsible positions in society; provided, that nothing herein contained shall be construed to prohibit the admission of pupils who are not residents of Ohio, if there shall be accommodations, upon the payment of such sums, and upon such terms as the trustees may determine; and the money so received from pupils, not residing in this state, shall be paid over to the steward, receipted for by him, and by him certified into the state treasury to the credit of the general revenue fund.

How long pupils may remain.

SEC. 11. All pupils admitted into the institution, who have a legal residence in the state, shall be supported at the expense of the state; provided, that parents and guardians of such pupils shall be required to keep them comfortably and neatly clothed, and to pay their traveling and incidental expenses; and, if such parents or guardians shall neglect or refuse so to do, the steward of the institution is hereby authorized to furnish the requisite clothing and pay the said expenses. For the clothing so furnished, and the expenses thus incurred, the steward shall make out a bill of items, charging the same to the current expense account of the institution, from which the amount shall be paid. The account so drawn up, signed by the steward, countersigned by the superintendent, and sealed with the seal of the institution, shall be forwarded to the auditor of the county from which the pupil came, who shall proceed to collect the same, in the name of the state of Ohio, as other debts are collected, and the money so collected shall be paid over to the steward and credited to the current expense fund; provided, that if the auditor shall be unable to collect the amount of the said bill, in the manner and form hereinbefore provided, then the said auditor shall pay the same out of the county funds, and refund to the institution the amount of said bill.

Pupils supported at expense of state.

SEC. 12. The trustees are hereby authorized and required to enlarge the mechanical departments of the institution, from time to time, by the introduction of such trades as experience has found adapted to the wants of the blind; provided, that the good of the pupils, and the economical management of the institution shall, at all times, be duly regarded by the said board of trustees.

Enlargement of mechanical department.

SEC. 13. The following acts and parts of acts, so far as the same are applicable to the regulation and government of the institution for the blind, are hereby repealed, to-wit:

An act passed March 10, 1838, entitled "an act making further provision for the instruction of the blind; also, an act passed March 11, 1843, entitled "an act to amend an act entitled an act making further provision for the instruction of the blind;" also, an act passed March 2, 1846, entitled "an act to amend certain acts in relation to the asylums for the deaf and dumb, and for the blind;" also, an act passed March 11, 1851, entitled "an act to amend an act entitled

1 Curwen, 416
S. & C., 184.
2 Curwen, 956.
S. & C., 185.
2 Curwen, 1284.
S. & C., 182.
2 Curwen, 1668.

S. & C., 185. 3 Curwen, 1812. S. & C., 180. 4 Curwen, 2632. S. & C., 186. 4 Curwen, 2753. S. & C., 187.

O. L. Vol 61, page 105.

O. L. Vol. 59, page 93.

O L., Vol. 62, 118.

an act making further provision for the instruction of the blind, passed march 10, 1838;" also, an act passed April 28, 1852, entitled "an act to reorganize the benevolent institutions of the state of Ohio;" also an act passed May 1, 1854, entitled "an act to amend the act to reorganize the benevolent institutions of the state of Ohio, passed April 28, 1852," and to repeal section seven of said act; also, an act passed April 8, 1856, entitled "an act to provide for the regulation and management of the institutions of the blind and the deaf and dumb;" also, an act passed March 30, 1864, entitled "an act to amend an act to provide for the regulation and management of the institutions for the blind and deaf and dumb," passed April 8, 1856; passed May 1, 1862; also, an act passed April 11, 1865, entitled "an act fixing the salaries of superintendents, officers and teachers of the different benevolent institution of the state," so much of section one as limits the salaries of officers and teachers in the institution for the blind; also, any other acts or parts of acts inconsistent with this act, relating to the institution for the blind.

SEC. 14. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To provide for the valuation of lands included in new town plats or additions thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any person or persons shall lay out any town or any addition to any city or town in this state, before the plat thereof shall be recorded, it shall be the duty of the proprietor or proprietors of such plat to present the same to the county auditor of the county in which the lands so platted are situate, and the auditor shall cause the assessor of the proper township to assess and return the true valuation of each lot or parcel of said town plat or addition, to the county auditor, who shall enter such valuation upon the tax duplicate in the same manner as new structures are now entered.

SEC. 2. The assessor shall have such compensation as is now paid him for other services.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend an act to prevent and punish malicious injuries to church edifices, school houses, dwelling houses and other buildings, passed March 24, 1860. 4 Curwen, 3441.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act to prevent and punish malicious injuries to church edifices, school houses, dwelling houses, and other buildings, passed March 24, 1860, be so amended as to read as follows:

Section 1. That if any person shall wilfully and maliciously injure or deface any church edifice, school house, dwelling house, or other building, its fixtures, books or appurtenances, or shall commit any nuisance therein, or shall purposely and maliciously commit any trespass upon the enclosed grounds attached thereto, or any fixtures placed thereon, or any enclosure or side-walk about the same, such person shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, and shall, by the order of the court imposing such sentence, be committed to the jail of the county until the same shall be paid, or until he is otherwise discharged by law. Penalty for injuring or defacing buildings.

SEC. 2. Said original section one is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Making appropriations for the year 1866, and the first quarter of the year 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, in addition to former appropriations applicable to the same purposes herein expressed, except as hereinafter provided, be and the same are hereby appropriated out of any moneys belonging to the general revenue, to be paid out of the treasury according to law, viz:

STATE SALARIES AND EXPENSES.

Salaries of state officers. To pay the salaries of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, attorney general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, state librarian, commissioner of soldiers' claims, private secretary of the governor, superintendent of the state house, and supervisor of public printing, twenty-three thousand dollars.

Members of general assembly, clerks, &c. To pay the members of the general assembly, their clerks and assistants, the sergeants-at-arms and their assistants and messengers, under resolutions of the senate and house, and the laws, thirty thousand dollars. To pay the sergeant-at-arms of the senate for preparing the chamber for the reception of the senate, twenty-five dollars.

Judges. To pay the salaries of the judges of the supreme court, courts of common pleas, and superior courts, ninety-four thousand dollars.

Clerks in auditor's office. To pay clerks in the office of the auditor of state, ten thousand dollars.

Clerks in treasurer's office. To pay clerks in the office of the treasurer of state, four thousand nine hundred dollars.

To pay costs of suits. To enable the auditor of state to pay counsel already employed, and to pay counsel to aid the attorney general in the prosecution and defense of suits to enjoin the collection of tax in which the state is interested, the sum of one thousand dollars.

Clerks in office of secretary of state. To pay clerks in the office of the secretary of state, two thousand eight hundred dollars.

Clerks in comptroller's office. To pay clerks in the office of the comptroller of the treasury, three thousand dollars.

Clerk of school commissioner. To pay one clerk in the office of the commissioner of common schools, one thousand dollars.

To pay the traveling expenses of the commissioner of common schools, three hundred dollars.

STATE HOUSE.

State house. To pay ordinary expenses in taking care of the state house and grounds, and preparing the halls for the general assembly, four thousand dollars.

To pay the engineer and laborers, and other necessary expenses of the heating apparatus, five hundred dollars.

For necessary repairs of engine, boiler, and other apparatus connected therewith, one thousand five hundred dollars.

For the purchase of fuel for warming the state house, seven thousand dollars.

For the purpose of making a stair-way, and arranging for committee rooms of the senate, and paying the architect, one thousand dollars, to be audited on the order of the superintendent of the state house. This work to be done in accordance with plans in the hands of the superintendent of the state house.

For re-painting the sixty-four outside windows of the state house, two hundred and seventy-five dollars; for painting eighty-eight windows in open courts, two hundred dollars; for painting windows and wood work of dome, one hundred and twenty-five dollars.

To pay for gas for lighting the state house, three thousand dollars.

For the payment of repairs of fence around the state house, two hundred dollars.

For the purchase of two flags for the state house, one hundred dollars.

For the re-covering desks and enlarging drawers thereof, and repair of chairs of the members of the general assembly, three hundred and fifty dollars.

For medicine and medical attendance furnished to Jacob Lang, state engineer, thirty-five and seventy one-hundredth dollars.

SUPREME COURT.

Messenger and crier.

To pay the messenger of the supreme court, seven hundred dollars.

To pay the crier of the supreme court, two hundred dollars.

Books.

For the purchase of books for the law library of the supreme court, five hundred dollars, and for the incidental expenses of said court, two hundred dollars, to be expended under the direction of the chief justice thereof.

Reporter.

To pay the salary of the reporter of the supreme court, three hundred dollars.

TREASURERS' MILEAGE.

Mileage.

To pay the mileage of county treasurers, in settling with the auditor of state, eighteen hundred dollars.

State Reports.

For the purchase of the Ohio State Reports, for deficiency in 1865, two hundred and five dollars; and for 1866, fifteen hundred and seventy-five dollars.

LIBRARY.

Library.

To purchase books, magazines and newspapers for the state library, one thousand dollars.

To purchase new matting for floor of state library, five hundred dollars.

For the distribution of the laws and journals, twelve hundred dollars.

STATIONERY AND PRINTING.

Stationery.

For stationery and blank books, including printing paper and articles necessary for the general assembly, forty-one thousand dollars.

Printing.

To pay for printing for the state, twenty thousand dollars.

Binding.

To pay for binding for the state, fifty thousand dollars.

The expense of publishing the Ohio agricultural report for the year 1865, in pursuance of the joint resolution passed by

the general assembly at this session, shall be paid out of the three last appropriations.

NIGHT-WATCH.

Night-watch at state treasury. To pay the night-watch at the state house, to be employed by the treasurer of state, eight hundred dollars. Said night-watch shall also discharge the general duties of night-watch at the state house.

TRUSTEES.

Trustees benevolent institutions. To pay the expenses of the trustees of the benevolent institutions, five hundred dollars.

CONTINGENT FUNDS.

Governor's contingent fund. For the governor's civil contingent fund, and for necessary repair and refitting his executive rooms, three thousand dollars.

ent of cers. To pay the contingent expenses of the different officers and departments of the state government, other than that of the governor, to be paid out only after the auditor of state shall have audited and allowed the several items and amounts thereof, in strict accordance with the provisions of former enactments, four thousand dollars.

Messengers. The compensation allowed to messengers out of this appropriation shall not exceed forty dollars per month, except as to messengers for the offices of auditor and treasurer of state, which shall not exceed fifty dollars per month.

PUBLIC WORKS.

Board of Public Works To pay the salaries of the members of the board of public works, ten hundred and sixty-six dollars.

Engineers. To pay the salaries of resident engineers on the public works, four thousand dollars.

Attorneys' fees. To pay attorneys' fees and other incidental expenses on the public works, four hundred and twenty-eight dollars.

Clerk. To pay the salary of a clerk to the board of public works, seven hundred and fifty dollars.

Improvements, &c., public works. To finish the Lewistown drain ditch, three hundred dollars.

To pay for enlarging the discharge channel from a wastegate in Butler county, three hundred dollars.

To pay the cost of a new trunk to regulate the passing of water around a lock in Lockland, and a small bridge connected therewith, one hundred and fifty dollars.

For the purchase of land at Lewistown reservoir, one thousand dollars.

MILITARY.

Governor's extraordinary contingent fund. For the governor's extraordinary military contingent fund, out of which he shall pay for surgeons and nurses employed, and for expenses incurred in the removal or temporary relief of sick, wounded and paroled soldiers of Ohio, ten thousand dollars; provided, that the governor is hereby authorized to extend to Ohio soldiers serving in regiments of other states, or in the regular service, who were at the time of their enlistment residents of this state, all the rights and benefits conferred on Ohio volunteers under this act.

Salaries of adjutant-general, &c.

For the payment of the salaries of the adjutant-general, and balance due to quartermaster-general and surgeon-general, three thousand dollars.

State arsenal.

To pay for completing improvements at state arsenal, the unexpended balance of appropriation of March 22d, 1864, being the sum of three hundred and forty-nine dollars and ninety-one cents.

Military clerks.

For payment of the clerks in the office of the adjutant-general, eight thousand dollars.

To pay clerks in the bureau of military statistics, fifteen hundred dollars.

To pay clerks in the office of the surgeon-general, five hundred dollars.

Enrollment of militia.

For the payment of county auditors and assessors who have not already received pay for such services, for taking and returning the enrollment of the militia and lists of volunteers in the year 1862, under instructions of the governor, the sum of one thousand dollars. County auditors shall receive pay at the rate of one dollar for each one hundred names on the lists of volunteers returned to the adjutant-general, and for each one hundred names on the copy of the last named lists furnished to the commissioners for drafting, and to the governor of the state. Assessors shall receive pay at the rate prescribed by law for assessing personal property.

To pay clerks in the office of the bureau of soldiers' claims, three thousand dollars.

Care, &c., of arms.

To pay for the care, collection and transportation of arms, one thousand dollars.

GETTYSBURG CEMETERY.

Gettysburg cemetery.

To pay the balance of the state's proportion of the purchase and improvement of the cemetery ground at Gettysburg, and the balance of expenses of G. Lofland as commissioner and agent of the state, the sum of fifteen hundred dollars.

[TRANSPORTATION.

Transportation.

There is hereby appropriated all moneys that have been received by the quartermaster-general of the state, or may hereafter be received by the quartermaster-general from soldiers and others, to pay like transportation during the current fiscal year, and the first quarter of the year 1867, to be paid upon warrant on the state treasury, as in other cases; and the quartermaster-general is hereby required to pay into the state treasury all moneys received by him on account of such transportation, from whomsoever received, as often as monthly; and payments shall be made from the treasury upon accounts on which the governor or quartermaster-general shall have indorsed his approval. The clause in the appropriation act of April 13th, 1865, making appropriations for this object, is hereby repealed.

CLAIM AGENTS.

Salaries, &c., of claim agents.

To pay the salaries of claim agents appointed by the governor, under the laws of this state, and the expenses of their offices and necessary clerk hire, to be paid upon certificate of

allowance by the governor and on the warrant of the auditor, ten thousand dollars.

OHIO PENITENTIARY.

Penitentiary: To pay the per diem and expenses of the directors of the Ohio penitentiary, twelve hundred dollars.

—Salaries of officers, &c.; To pay the salaries of the warden, steward, deputy warden, physician, clerk, chaplain and matron of the Ohio penitentiary for 1866, five thousand dollars; and for the first quarter of the fiscal year 1867, one thousand five hundred dollars.

—guards; To pay the guards or assistant keepers at the penitentiary, twenty-four thousand dollars; and for the first quarter of the fiscal year 1867, nine thousand dollars.

—discharged convicts; To pay discharged convicts, one thousand dollars.

For the purchase of books for the prison library for convicts and day schools, two hundred dollars.

—current expenses; To pay the current expenses of the penitentiary, twenty-one thousand dollars; and for the first quarter of the fiscal year 1867, seventeen thousand dollars.

—overwork; To refund [to] convicts moneys received into the treasury for overwork, a sum not exceeding the amount so received.

—building; For building cisterns, and providing spouting for the same, and other necessary improvements, seven thousand dollars.

—costs of prosecution; For the payment of the costs of prosecution and transportation of convicts to the Ohio penitentiary, thirty thousand dollars.

—additional medical services. To pay for additional medical services in case of the prevalence of Asiatic cholera in the Ohio penitentiary, five hundred dollars.

CENTRAL OHIO LUNATIC ASYLUM.

Salaries. To pay the salaries of the superintendent, assistant physician, steward and matrons of the central Ohio lunatic asylum, the unexpended balances of the former appropriations for salaries, are hereby directed to be paid out as follows: For 1866, three thousand dollars, and for the first quarter of the fiscal year 1867, nine hundred and twenty dollars.

Moral instructor. To pay the moral instructor, and for the purchase of books and pictures, two hundred dollars.

Provisions. For provisions and necessary current expenses and repairs of said asylum, forty-eight thousand dollars, and for the first quarter of the fiscal year 1867, fifteen thousand dollars.

Infirmary. For the construction of an infirmary for contagious diseases, and for repairs in the central and west part of the building, five thousand dollars.

NORTHERN OHIO LUNATIC ASYLUM.

Salaries. To pay the salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, six hundred and twenty-five dollars, and for the first quarter of the fiscal year 1867, eight hundred dollars.

Moral instructor. For the payment of the moral instructor, and the purchase of books and pictures for said asylum, two hundred dollars.

For provisions and the necessary current expenses and repairs of said asylum, thirty-eight thousand dollars, and for the first quarter of the fiscal year 1867, ten thousand dollars. Provisions.

For building additions to said northern lunatic asylum, in accordance with the original design, the sum of forty thousand dollars, to be expended by the trustees thereof, subject so far as applicable, to all the restrictions and requirements of section three of the act entitled "an act to provide for the erection of two additional lunatic asylums," passed April 30, 1852. Building. 3, Curwen, 1814.

SOUTHERN OHIO LUNATIC ASYLUM.

To pay the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio Lunatic asylum, the unexpended balance of appropriation of April 13, 1865, ($3,270) to be expended as follows: Salaries.

For 1866, twenty-four hundred dollars, and for the first quarter of 1867, eight hundred and seventy dollars.

To pay the moral instructor, and for the purchase of books and pictures for said asylum, two hundred dollars. Moral instructor.

For the purchase of provisions, and to pay the necessary current expenses of said asylum, twenty-nine thousand dollars, and for the first quarter of the fiscal year 1867, ten thousand dollars. Provisions.

For building addition to said southern lunatic asylum, in accordance with the original design, the sum of forty thousand dollars to be expended by the trustees thereof, subject so far as applicable, to all the restrictions and requirements of section three of the act entitled "an act to provide for the erection of two additional lunatic asylums," passed April 30, 1852. Building. 3 Curwen, 1814.

DEAF AND DUMB ASYLUM.

To pay the salaries of the superintendent, steward, matron, physician and teachers of the asylum for the deaf and dumb, four thousand five hundred dollars, and for the first quarter of the fiscal year 1867, two thousand dollars. Salaries.

For the purchase of provisions, and for the necessary expenses and repairs of said asylum, eight thousand dollars, and for the first quarter of the fiscal year 1867, four thousand dollars. Provisions.

For the construction of the new building for the deaf and dumb asylum, in pursuance of the law for the erection thereof, the sum of one hundred thousand dollars. Building.

THE ASYLUM FOR THE BLIND.

To pay the salaries of the superintendent, steward, matron and teachers of the institution for the education of the blind, four thousand dollars, and for the first quarter of the fiscal year 1867, fifteen hundred dollars. Salaries.

For the purchase of provisions, and for the other necessary current expenses and repairs of said institution, for 1866, Provisions.

ten thousand dollars, and for the first quarter of the fiscal year 1867, five thousand dollars.

For the receiver and conductress (additional pay) one hundred dollars.

Improvements. For extending the capacity of the building for the accommodation of the blind, by raising up, improving and new roofing the upper story, in accordance with plans of the architect, on file at the institution, the sum of forty thousand dollars: Provided, that if the trustees shall be of the opinion that the sum herein appropriated can be better used in the erection of an addition to the present building, they may so use it upon such plan as shall be adopted by them, having due regard to economy, capacity and adaptation, without unnecessary expense for architectural display.

THE ASYLUM FOR IDIOTS.

Salaries. To pay the salaries of the superintendent, matron and teachers of the asylum for idiots, fourteen hundred dollars, and for the first quarter of the fiscal year 1867, six hundred dollars.

Provisions. For the purchase of provisions, and payment of necessary current expenses of said asylum, five thousand two hundred dollars, and for the first quarter of the fiscal year 1867, three thousand dollars, to be paid as provided for other benevolent institutions.

Insurance and rent. To pay for insurance on, and rent of the buildings and grounds occupied by said asylum, eight hundred and twenty-five dollars.

Building. For the construction and completion of the new asylum for idiots, sixty thousand dollars, in additton to former appropriations for that purpose, which sum shall be paid to the trustees of such asylum in such sums as they may, from time to time certify to the state auditor, to be necessary to carry into effect the object of this appropriation, and the several provisions attached to the appropriations for the construction of said asylum in the act of April 13, 1865, (O. L., Vol. 62, page 162,) are hereby repealed.

CONTINGENT EXPENSES OF LEGISLATURE.

Contingent expenses of Legislature. To pay for repairs of furniture for house and senate, and incidental expenses of the session, including clocks for house and senate, to be audited by the speaker of the house and president of the senate, and paid on their certificates, the sum of five hundred dollars.

LONGVIEW ASYLUM.

Longview asylum. For the Longview asylum, a sum to be computed and ascertained by the auditor of state, agreeably to the laws providing for the constitution of the county of Hamilton into a separate district for lunatic asylum purposes, and for the erection and government of an asylum therein, and the sum hereby appropriated shall be paid on the warrant of the

auditor of state upon like vouchers as in the case of other lunatic asylums.

To pay the amount adjudged by the supreme court in the case of O. M. Langdon and others against the auditor of state, to be paid to said asylum in addition to the amount estimated and paid to the same under the provisions of the appropriation act of April 13, 1865, the sum of two thousand and sixty-two dollars and eighty-five cents.

OHIO REFORM SCHOOL.

Salaries. To pay the salaries of the acting commissioner, teachers, matron, superintendent of shops, and other officers and employees, for the year 1866, six thousand three hundred dollars, and for the first quarter of the fiscal year 1867, two thousand one hundred dollars.

Provisions, &c. For provisions, furniture, clothing, school books and other necessary expenses for maintaining and educating the youth committed and admitted to said institution, twenty thousand dollars, and for the first quarter of the fiscal year 1867, six thousand dollars.

Building. For the erection of a wing to the main building, nine thousand dollars; and for the erection of two family buildings, fourteen thousand dollars. The said buildings and wing are to be constructed under the direction of the commissioners of said institution; and no building shall be commenced by them which will require a greater expenditure than its actual proportion to the sum of the appropriations for the whole.

For lumber, fencing, and out-houses, the sum of one thousand dollars.

COMMON SCHOOLS.

Common schools. SEC. 2. There is hereby appropriated from any moneys raised or accruing in the treasury for the support of common schools, one million five hundred and twenty-five thousand dollars, or so much as may come into the treasury for that purpose, to be distributed and paid in the manner prescribed by law.

Military contingent expenses. SEC. 3. That so much of the appropriation act of April 13th, 1865, as appropriates money for the payment of the civil and military contingent expenses of the different offices and departments of the state government, is hereby repealed as to any balances of said appropriations unexpended.

SEC. 4. That section four of the act entitled "an act to authorize the appraisal and sale of lands belonging to the state of Ohio," passed March 31st, 1864, be so amended as to read as follows:

Expense of appraisal of lands. Section 4. That for the purpose of defraying the expenses of the appraisal, advertisement and sale of said lands, the sum of five hundred dollars is hereby appropriated out of any money belonging to the general revenue, to be paid on the certificate of the auditor of state or president of the board of public works.

SEC. 5. That section four of the aforesaid act is hereby repealed.

AGRICULTURE.

Agricultural interest.

SEC. 6. That there is hereby appropriated, for the encouragement and improvement of the agricultural interests of the state, the sum of three thousand three hundred dollars, to be expended as the state board of agriculture may deem most conducive to that end; provided, that said board of agriculture shall pay the sum of three hundred dollars out of this appropriation to the Ohio pomological society. The treasurer of state is directed to pay said sum so appropriated to the president of the Ohio state board of agriculture, on the warrant of the auditor of state.

Contingent expenses of board.

For the contingent expenses of the office of the said board of agriculture, one hundred dollars.

Engravings.

For the payment for engravings for the agricultural report, three hundred dollars.

INTEREST AND SINKING FUND.

Sinking Fund.

SEC. 7. That there is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations, for the payment of the interest on the foreign and domestic debt of this state, exclusive of the Union loan, the sum of seven hundred thousand dollars.

—interest;

For the payment of the interest on the irreducible debt or trust funds held by the state, two hundred and ten thousand dollars.

—principal of public debt;

For the payment of the principal of the foreign and domestic debt of the state, exclusive of the union loan, two hundred and seventy-five thousand six hundred dollars, together with the further sum of eight hundred thousand dollars transferred to said sinking fund by the act of this session, and any additional sum that may come into or be in the treasury therefor and not other[wise] appropriated.

—salary of clerk, &c.;

For the payment of the necessary expenses of the office of the commissioners of the sinking fund, including the salary of the clerk, five hundred dollars in addition to former appropriations.

—New York office;

For the payment of the necessary expenses of the New York agency, including the salary of the agent of the state and office rent, five thousand dollars.

For the payment of the necessary expenses of the commissioners in paying the interest and principal of the foreign debt of the state, fifteen hundred dollars.

—interest on union loan.

SEC. 8. For the payment of interest on the union loan, foreign and domestic, sixty-five thousand dollars, from any money that may come or be in the treasury of the levy to pay union loan, in addition to former appropriations for the payment of interest on said union loan.

MISCELLANEOUS.

Building bridge at Zanesville.

SEC. 9. That there is hereby appropriated, for the purpose of building a double track iron bridge at the crossing of the national road over the canal at the city of Zanesville, the sum of five thousand dollars, to be refunded to general revenue from the national road fund.

To pay the salary of the clerk of the attorney-general's office, eight hundred dollars. Clerk in attorney-general's office.

To pay to the City Bank of Columbus, for office rent, coal and gas furnished the receiver of the Seneca County Bank, from September 1st, 1858, to July 1st, 1860, one hundred dollars. City Bank of Columbus.

For superintendence and repairs of the national road, for the two years commencing with the 15th day of February, 1866, and ending on the 15th day of February, 1868, whatever sums may be collected and paid into the state treasury to the credit of the national road fund during said period, together with the amount remaining unexpended from the collections of the two years previous, applicable to said fund. National road.

SEC. 10. There is hereby transferred from the canal fund in the state treasury, to the general revenue fund, the sum of thirty-seven thousand dollars. Transfer of certain fund.

SEC. 11. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To provide the devices of the great seal and coat of arms of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the coat of arms of the state of Ohio shall consist of the following device: A shield, upon which shall be engraved on the left, in the foreground, a bundle of seventeen arrows; to the right of the arrows, a sheaf of wheat, both standing erect; in the background, and rising above the sheaf and arrows, a range of mountains, over which shall appear a rising sun; between the base of the mountains and the arrows and the sheaf, in the left foreground, a river shall be represented flowing towards the right foreground; supporting the shield, on the right, shall be the figure of a farmer, with implements of agriculture and sheafs of wheat standing erect and recumbent; and in the distance, a locomotive and train of cars; supporting the shield, on the left, shall be the figure of a smith, with anvil and hammer; and in the distance, water, with a steamboat; at the bottom of the shield there shall be a motto, in these words: IMPERIUM IN IMPERIO. Coat of arms

SEC. 2. The great seal of the state shall be two and one-half inches in diameter, on which shall be engraved the device included within the shield, as described in the preceding section, and it shall be surrounded with these words: "The Great Seal of the State of Ohio." The seal of the supreme Great seal.

court shall be two and one-half inches in diameter, and bear the same device as the great seal of the state, and be surrounded with these words: "The Supreme Court of the State of Ohio." The county seal shall be one inch and three-quarters in diameter, of the same device as the great seal of the state, and surrounded with these words: "Common Pleas of the County of ———" (here insert the name of the proper county).

Duty of secretary of state.

SEC. 3. It shall be the duty of the secretary of state to procure a great seal for the use of the state, a seal for the supreme court, and a seal for each county, of the device and respective sizes as hereinbefore described; and it shall also be the duty of the secretary of state to cause all commissions and official papers issued hereafter, to be printed with an engraved impression of the coat of arms.

After two years all officers to use new seals.

SEC. 4. After two years from the passage of this act, it shall be unlawful for any notary public, or other officer required by law to use an official seal, to use one except of a uniform size, which shall be one and one-quarter inches in diameter, or of other design than that provided in the first section of this act.

Appropriation.

SEC. 5. To enable the secretary of state to carry out the provisions of the third section of this act, there is hereby appropriated, from any money in the state treasury not otherwise appropriated, the sum of not exceeding one thousand dollars, to be audited on the order of the secretary of state.

SEC. 6. This act shall take effect and be in force from and after the first day of July, 1866.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend an act entitled "an act to authorize certain cities of the first class to sprinkle the streets," passed April 13, 1865. (62 O. L., 180.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to authorize cities of the first class to sprinkle the streets," passed April 13, 1865, be so amended as to read as follows:

City councils may have streets sprinkled.

Section 1. That the city councils of all cities of the first class, having a population not exceeding one hundred thousand inhabitants, and all cities of the second class, shall have the power to cause the whole, or any specified part, of any street in such city to be sprinkled with water, upon the written application for that purpose of not less than one half of the owners in value of the land fronting on such street or specified part thereof, and may pay the expenses by an assessment upon the lots or parcels of land fronting on such

street or specified part thereof, in proportion to the feet front thereon, as the city council may think best, to be collected as provided for the collection of assessments for opening, grading and paving streets in such city; provided, that no lot or other parcel of land located on a corner and fronting on two or more streets, authorized to be sprinkled by this act, shall be taxed for sprinkling more than one of such streets.

SEC. 2. That original section one of an act entitled "an act to authorize certain cities of the first class to sprinkle the streets," passed April 13, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Supplementary to the act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. (1st vol. S. & C., page 271.)

3 Curwen, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any turnpike or plank-road terminates within the corporate limits of any city of the first class, any portion of such turnpike or plank-road so included therein, shall be and become a public street of such city, and shall be maintained and kept in repair as other streets; and the city council of such city may cause the same to be condemned and appropriated for use as such, according to the laws regulating the condemnation and appropriation of private property for similar uses; or the city council of such city may, whenever they shall deem the same expedient, provide for the complete surrender and abandonment of such portion of said turnpike or plank-road, by negotiations with the owner or owners.

Turnpikes and plank-roads terminating in cities to be a public street.

SEC. 2. That the act entitled "an act supplementary to the act for the creation and regulation of incorporated companies in the state of Ohio," passed April 15th, 1857, be and the same is herby repealed.

4 Curwen, 2959.

SEC. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To amend "an act to provide a bounty for veteran volunteers," passed April 13, 1865. (Act amended; vol. 62, Laws, page 141.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of "an act to provide a bounty for veteran volunteers," passed April 13, 1865, be so amended as to read as follows:

Local bounty to veteran volunteers

Section 1. That the commissioners of the several counties, the trustees of the several townships, and city councils of the several cities of this state, are hereby authorized and required to issue to each re-enlisted veteran volunteer, who has been heretofore credited upon the quota of such county, township or city, or any ward of such city, under any requisition of the president of the United States for volunteers, during the late rebellion, and who have not received any local bounty upon said re-enlistment, a bond for the sum of one hundred dollars, bearing six per cent. interest, redeemable at the pleasure of such trustees or city councils, one year after the date thereof.

SEC. 2. That section three of said act be so amended as to read as follows:

Bonds—by whom issued and signed.

Section 3. Said bond, when issued by the county commissioners, shall be signed by the commissioners and countersigned by the county auditor; when issued by the trustees of any township, shall be signed by the trustees and countersigned by the clerk of the township; and when issued by city councils, shall be signed by the president and countersigned by the clerk of such council, and, as soon as practicable, delivered to said volunteers or their legal representatives.

SEC. 3. That section four of said act be so amended as to read as follows:

Tax must be levied to pay bonds.

Section 4. For the purpose of paying said bonds, the county commissioners of any county, the trustees of any township, and the city council of any city issuing the same, shall levy such tax, each year after issuing the same, as may be required to pay one-third of the amount of each bond, with interest; and said levy shall be certified to the auditor of the county, and shall be entered upon the duplicate and collected as other taxes, and the money raised thereby for the several counties, shall be retained in the county treasuries, and that collected for the several townships and cities, shall be assigned to such townships and cities, and paid out by said several (several) authorities as other funds are required to be paid out upon said bonds; provided, that the commissioners of any county, trustees of any township, or city council of any city, may, if they deem the same expedient, levy a larger amount in any year than would be sufficient to pay one-third of the bonds so issued; provided, that the repeal thereof shall in no manner affect any rights acquired, or liabilities incurred, under said sections so repealed.

SEC. 4. That original sections one, three and four of the said act, to which this is an amendment, be and the same are hereby repealed.

SEC. 5. That this act shall take effect and be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize certain cities of the first class to issue bonds for the purchase of gas works.

Certain cities may purchase gas works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be deemed expedient, and for the public good, by the city council of any city of the first class, having a population exceeding one hundred and fifty thousand inhabitants, to purchase the gas works of any incorporated company located in such city, such city council shall for the above purpose have the power, and are hereby authorized, to issue the bonds of such city in any sum not exceeding two and a half millions dollars, payable at such dates, not exceeding forty years, as the city council may determine, to be sold at not less than par, and bearing a rate of interest not exceeding the legal rate per cent. per annum, at the time such bonds are issued; provided, that no portion of said bonds shall be issued until after the question of the purchase of the gas works shall be submitted to a vote of the qualified electors of said city, at a special election to be held for that purpose to be ordered by the city council of said city, of which not less than twenty days' notice shall be given in all the daily papers of said city, and, further provided, that [at] such election the majority of said electors shall decide in favor of such purchase.

Must be submitted to qualified electors.

Board of trustees;

SEC. 2. When such purchase shall have been made, said city council shall appoint a board of three trustees, who shall manage the said gas works and supply said city, and the citizens thereof, with gas until their successors shall be elected and qualified, as hereinafter provided.

—how elected.

SEC. 3. At the annual election occurring next after such purchase, the qualified voters of said city shall elect a board of three trustees, to be known as the trustees of gas works, who shall hold their offices for the term of three years, except at the first election under this act, at which one person shall be chosen for one year, one person for two years, and one person for three years, and thereafter one of said trustees shall be elected annually; and said trustees, and their successors, shall receive no salary or other compensation, pay, or perquisites of office whatever.

No compensation allowed trustees.

General powers of trustees.

SEC. 4. Such trustees shall have power to purchase material, employ laborers, appoint officers, purchase or lease necessary real estate, and erect buildings, extend gas pipes,

construct gas works, manufacture and sell gas and coke, collect gas bills, and other moneys due for gas, coke, or other material sold by them, and disburse the same; to manage and conduct and control said gas works; to prescribe by by-laws the price of gas and coke, under such rules and regulations as by ordinance the city council may prescribe, and the manner of using gas; and they shall be required to report to the city council as often as said city council may deem proper.

SEC. 5. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

4 Curwen, 3443.

To amend "an act to provide for the execution and supervision of state printing and binding," passed March 24th 1860. (S. & C. 1201.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act above named, be and the same is amended so as to read as follows:

Section 4. The commissioners of printing, or any two of them, shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open all such proposals by them received, and they shall, on careful examination and computation, award the contract for each class of printing to the lowest responsible bidder therefor; provided, that nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the lowest bidder therefor. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interests of the state, having reference, however, to a division of the work, as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders shall propose for the same contract, and the proposal of one shall be lower on composition, and that of another lower on presswork, then the commissioners shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract for such class to the lowest aggregate bidder, for such class as shall appear by such computation. All printing under this act must be executed within the state, and all appertaining to the first and fifth classes must be executed at the city of Columbus. The necessary expense of the transportation of paper, proof or printed sheets to and from Columbus, shall be defrayed by the contractor.

Award of contract—mode of determining.

Where printing to be executed, &c.

SEC. 2. That section eleven of the above-named act shall be and is hereby amended so as to read as follows:

Section 11. It shall be the duty of the secretary of state to give prompt notice to each successful bidder that his proposals have been accepted. If from death or other cause the successful bidder shall fail to execute his contract, or shall fail to execute the work embraced therein with reasonable promptness and in a suitable manner, or if for any cause said contract shall have been set aside or abandoned, or the execution thereof temporarily suspended, the commissioners of printing, or a majority of them, may enter into a contract with some other person to execute the work, having reference to the lowest price at which the same can be done with promptness and accuracy; provided, that if said reletting of the work shall be in consequence of the misconduct or default of the contractor, written notice thereof before such reletting shall, if practicable, be given by the commissioners of printing to such contractor. If the commissioners of printing shall have reason to believe that at any letting of contract for printing the bidding therefor is unfair, fraudulent or exorbitant, they shall, if they deem it for the interest of the state, set aside said bidding, and relet the work in pursuance of sections 3 and 4 of this act; and in the mean time they shall provide for the printing for the use of the state upon such terms and in such manner as they deem most advantageous for the state; provided, that the provisions of this section shall be in all respects applicable to the letting and reletting of the binding, and shall confer upon the commissioners of printing and secretary of state the same powers in respect to the public binding as are conferred in respect to printing.

Failure to execute contract.

Fraudulent or exorbitant contract may be set aside

SEC. 3. That section thirteen be amended so as to read as follows:

Section 13. That the commissioners of printing shall, after the termination of the present contract, provide for the necessary binding for the state in such manner as they may deem best, and upon such terms as shall be most advantageous to the state, for periods at no time exceeding one year. Before they shall award any contract for such binding, the contractor or contractors shall execute a bond, with two or more sufficient securities, in the penal sum of five thousand dollars, conditioned for the faithful performance of the work specified in such contract; and the commissioners of printing and the contractor or contractors for binding, shall be governed by the same rules, so far as applicable, regarding the execution of the work, and the transportation of sheets and bound copies and documents as specified in this act relative to contracts for printing.

Binding.

SEC. 4. That sections four, eleven and thirteen of "an act to provide for the execution and supervision of the state printing and binding," passed March 24, 1860, be and the same are hereby repealed.

4 Curwen, 3444, 3446-7.

SEC. 5. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

LOCAL AND SPECIAL ACTS.

AN ACT

To authorize the commissioners of Tuscarawas county to levy a special tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to levy a special tax of one mill on the dollar of the taxable property in said county, for the year 1866, in addition to other levies authorized by law, for the purpose of building a bridge across the Tuscarawas river, on the road leading from High street, in the town of New Philadelphia, to Blicktown, in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

AN ACT

To enable the commissioners of Montgomery county to purchase a bridge over the Miami river at Dayton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Montgomery county be and they are hereby authorized to purchase the bridge across the Miami river at the west end of Third street, in the city of Dayton, at a cost not to exceed sixty-two hundred dollars.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 21, 1866.

AN ACT

To authorize the commissioners of the county of Shelby to levy an additional amount of bridge tax to that now authorized by law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of said county of Shelby be and they are hereby

authorized to levy, at the next March session of their board, a tax for bridge purposes of not more than one mill in addition to the amount now authorized by law, to be levied on the taxable property in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 28, 1866.

AN ACT

To authorize the commissioners of Hamilton county to make partial remuneration for the bridge across the Big Miami river at Cleves, to the recent owners and donors thereof.

WHEREAS, The stockholders of the Miami, Cleves and Cincinnati bridge company, in the summer of 1865, transferred without compensation, their stock in said company to the county commissioners of Hamilton county, for the purpose of making the bridge across the Big Miami river at Cleves in said county a free bridge, and securing the necessary repairs thereof; and, whereas, said bridge was worth at the time of said transfer from thirty to forty thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of said Hamilton county be and they are hereby authorized to appropriate at their discretion, and pay over to Edward Hunt, as the agent of said stockholders, any sum of money belonging to the bridge fund of said county, not exceeding ten thousand dollars, as a partial remuneration to them for the bridge so transferred for a free bridge, as aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 28, 1866.

AN ACT

To enable the county commissioners of Trumbull county to complete the iron bridge at Warren.

WHEREAS, The county commissioners of Trumbull county did, in 1863, enter into a contract for the building of an iron bridge over the Mahoning river, in the village of Warren in said county, and have expended thereon the sum of $5000, and it is now found necessary to increase the length of said bridge by the addition of another span thereto; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Trumbull county are hereby authorized

to expend such further sum in building the iron bridge at Warren, in said county, as may be necessary to complete the same, not however to exceed $3000.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 28, 1866.

AN ACT

To amend an act entitled an act to authorize the commissioners of Butler county to build a bridge across the Great Miami river, passed March 30, 1864. (Ohio Laws, vol. 61, page 161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four (4) of said act be so amended as to read as follows:

Section 4. To pay bonds which may be issued under the provisions of this act, and the interest on the same, as they become due, and also to refund moneys which may have been transferred from any surplus county fund and applied as contemplated by this act, said county commissioners are hereby authorized to levy a tax on all the taxable property within the limits of said county of Butler, not to exceed three-fourths ($\frac{3}{4}$) of a mill on the dollar, and the amount so raised shall not be applied to any other purpose.

SEC. 2. Said original section four (4) is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 9, 1866.

AN ACT

For the relief of Jesse Seeley, late sheriff of Medina county.

WHEREAS, On the night of July 3d, 1863, a murder was committed in the village of Medina, county of Medina, in the state of Ohio; and,

WHEREAS, One Frederick F. Streeter was arrested, tried, convicted, and sentenced to be executed for said murder on the 16th of February, 1864; and,

WHEREAS, On the night of December 24th, 1863, said Streeter made his escape from the jail of said county; and,

WHEREAS, Jesse Seeley, then sheriff of said county of Medina, offered a reward of one thousand dollars for the recapture of said Streeter, which resulted in his capture and return to the jail of said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the county commissioners of the county of

Medina, in the state of Ohio, to refund and pay to Jesse Seeley eleven hundred and twenty dollars, being the amount, with interest, offered as a reward for the recapture of said Streeter.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

[AN ACT]

To authorize the commissioners of Jackson county to build a court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Jackson county may and hereby are authorized to construct a court-house at such point at the county seat of said county as in their judgment may be deemed most for the public good, at a cost not to exceed forty thousand dollars.

SEC. 2. To enable the said county commissioners to carry into effect the provisions of this act, they are hereby authorized and empowered (in addition to the other taxes authorized by law) to levy a tax upon the taxable property of such county, in the years 1866 and 1867, to the amount of forty thousand dollars, but not exceeding twenty thousand dollars in either of said years.

SEC. 3. Before the commissioners shall advertise for proposals for the erection of any court-house or jail, by which a larger amount of money or expense is involved than five thousand dollars, they shall first advertise the locality, extent, general plan and character of the proposed court-house or jail, and invite plans for such work, with detailed drawings and estimates to be submitted for their consideration. Before determining upon any plan, said commissisioners shall call to their aid a competent architect or engineer, and after examining the plans and estimates submitted, shall adopt a plan suitable for the work proposed, and shall cause plans, specifications, full size detailed drawings, and forms of bids to be proposed, by a competent architect or engineer, and shall have a sufficient number of copies of the same made for distribution among the bidders, or they may cause said plans and drawings to be lithographed together with the specifications and forms of bids printed for that purpose; copies of said plans and drawings, attested by the contractor, and the original specifications, bids and contracts, shall be deposited with the county auditor immediately upon the contract being entered into.

SEC. 4. In anticipation of the receipts of said levies, the county commissioners are hereby authorized, if deemed necessary, to transfer, temporarily, any surplus county funds (except school funds) to the account of such building fund, and repay the same out of the fund raised under the provisions of this act.

SEC. 5. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 13, 1866.

AN ACT

For the relief of Samuel V. McHenry, treasurer of Pleasant township, Putnam county, Ohio.

WHEREAS, The office of Samuel V. McHenry, treasurer of Pleasant township, Putnam county, Ohio, was burglariously entered on the night of the eighth day of November, 1865, and his safe blown open, and the public money belonging to said township, to the amount of one thousand four hundred and ninety-three dollars and forty-three cents, was stolen from his safe where the same was deposited for safe keeping; and,

WHEREAS, The officers and tax-payers of said township, by their petition to this general assembly, represent that said robbery was committed without any fault or neglect of said Samuel V. McHenry; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Pleasant township, Putnam county, Ohio, be and they are hereby authorized to release the said Samuel V. McHenry and his sureties on his official bond as treasurer of said township, from the payment of said sum of one thousand four hundred and ninety-three dollars and forty-three cents, stolen from the safe in the office of said Samuel V. McHenry; and the said McHenry, and his sureties, shall not hereafter be held liable to make up said stolen money to said township.

SEC. 2. This act to take effect and be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

To authorize the commissioners of Shelby county to transfer a certain fund therein named to the infirmary or court-house fund of said county.

WHEREAS, The county of Shelby has fully paid the amount of the bonds, with the interest due, on their subscription of stock to the Bellefontaine and Indiana railroad company, and there remains in the treasury an unappropriated surplus belonging to said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Shelby county be and they are hereby authorized to transfer said unappropriated surplus belonging to said fund, to the infirmary fund of said county, to be expended in the purchase of a farm and the erection of suitable buildings thereon for a county infirmary, or to a fund for the erection of a new court-house in said county, as in their judgment they may think best for the interests of said county; provided, that said commissioners shall not be authorized to expend said fund for the building of a court-house in said county, until the policy of said outlay shall be submitted to a vote of the people as now provided by law.

SEC. 2. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

AN ACT

To authorize the commissioners of Warren county to levy a special tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Warren county, Ohio, be and they are hereby authorized to levy a special tax of three-fourths of one mill on the dollar of the taxable property in said county, for the year 1866, in addition to other levies authorized by law, for the purpose of building a bridge across the Little Miami river at Foster's Crossing, on the road leading from Twenty Mile Stand to the town of Morrow, in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

AN ACT

To authorize the trustees of Clark township, Clinton county, to levy a tax to pay bounty.

WHEREAS, The trustees of Clark township, Clinton county, during the year 1864, borrowed the sum of $685 for the purpose of paying bounties to volunteers, to fill the quota of said township of men under the call of the president of the United States for troops; and,

WHEREAS, Said township trustees, with said sum of $685, together with funds derived from other sources, did expend the same in the procurement of volunteers, by the payment of over one hundred dollars in bounties to each volunteer so obtained, thereby relieving said township from the draft; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Clark township, Clinton county, be and they are hereby authorized to levy upon the taxable property of said township, for the year 1866, such rate of tax, not exceeding one mill on the dollar, as will be sufficient to pay said sum of $685, and accruing interest thereon.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

AN ACT

To authorize the board of education of Batavia school district of Clermont county, Ohio, to borrow money to pay teachers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Batavia, Cler-

mont county, Ohio, are hereby authorized to borrow money, not exceeding six hundred dollars, at a rate not exceeding six per cent. per annum, for the purpose of paying teachers in said school district, for the year commencing September 1st, 1865, to August 31st, 1866.

SEC. 2. That for the purpose of raising said money, said board of education are hereby authorized to issue bonds to the amount of six hundred dollars, in sums not less than twenty-five dollars nor more than one hundred dollars each, bearing interest at the rate of six per cent., redeemable at the pleasure of said board at any time within one year from the 31st day of August, 1866.

SEC. 3. That for the redemption of said bonds, said board of education shall have power, and are hereby authorized, to levy a tax on all the taxable property within said school district, for the year 1866, not exceeding two mills on the dollar, which tax shall be placed on the tax duplicate of said county and collected as other taxes.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

AN ACT

To authorize the trustees of Manchester township, Adams county, to issue bonds to construct and repair roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Manchester, in Adams county, be and are hereby authorized to appropriate and contribute a sum not to exceed ten thousand dollars, for the purpose of constructing and repairing roads.

SEC. 2. That for the purpose of raising the money necessary to meet the said appropriation, the said trustees are hereby authorized to issue the bonds of said township, payable at such times as they may deem advisable, with interest not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying said bonds and interest thereon, as the same may become due, the said trustees are hereby authorized to levy a tax upon the taxable property of said township sufficient for that purpose, and the money so raised shall be used for no other purpose; provided one-third of said amount shall be raised by tax in 1866, one-third in 1867, and one-third in 1868.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

Supplementary to an act entitled an act supplementary to an act entitled an act to authorize the board of education of the incorporated village of Millersburg to borrow money, passed March 17, 1864, passed March 11, 1865. (Acts to which supplementary, vol. 61, Laws, page 147; vol. 62, Laws, page 195.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Millersburg, Holmes county, be and are hereby authorized, in addition to the sums now authorized by the acts to which this is supplementary, and for the purposes in said acts set forth, to issue bonds to any amount not exceeding two thousand dollars, in sums less than fifty dollars each, and payable in one year, with interest at a rate not exceeding six per cent. per annum.

SEC. 2. That for the redemption of such additional bonds when the same shall fall due, said board of education shall have power, and is hereby authorized, to levy on all taxable property within said village of Millersburg, such amount for the year 1866, in addition to the levy for the support of schools therein, and the levy authorized by the acts to which this is supplementary, as will meet the payment of the principal and interest of the bonds issued under this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To transfer surplus railroad funds in Franklin township, Coshocton county, to the common school fund.

WHEREAS, The township of Franklin, in the county of Coshocton, has fully paid the amount of its subscription of stock to the Steubenville and Indiana Railroad Company, and there remains in the treasury an unappropriated balance belonging to said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any surplus funds now remaining in the treasury belonging to said railroad fund, or that may hereafter accrue, be and the same is hereby transferred to the common school fund of said Franklin township, in Coshocton county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1866.

AN ACT

To extend the time of payment for school lands in section sixteen, in Freedom, Napoleon, Harrison, Liberty, Damascus and Richfield townships, Henry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a farther period of five years from the day the respective installments become due, be and the same is hereby given to the purchase [purchasers] of lands in school section number sixteen, in Freedom, Napoleon, Harrison, Liberty, Damascus and Richfield townships, Henry county, for the principal of the purchase-money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and, provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 31, 1866.

AN ACT

To amend, and supplementary to, an act entitled "an act in relation to taxes, schools and sewers, in the city of Toledo," passed March 9, 1849. (47 O. L. L., 207.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the city of Toledo, which, by special act, constitutes but one school district, the amounts annually estimated by the board of education to be necessary for obtaining, enlarging and improving school sites, and for the erection, completion, furnishing and repair of school-houses, shall be consolidated, and the levy therefor, except as provided in the third section of this act, shall not exceed one mill on the dollar.

SEC. 2. That said board of education shall, annually, estimate the amount required to be raised by tax for the ensuing school year, for school purposes in said city, which shall in no case exceed four mills on the dollar.

SEC. 3. Should said board of education be of opinion that the necessities of the schools under their charge require the immediate enlargement, or the purchase, or improvement of a site or sites, or the erection or enlargement of a school-house or school-houses, involving a required expenditure, in any one year, greater in amount than would accrue and be available for such purposes under the first section of this act, they shall estimate the amount so required, and shall levy the same, and may continue such levy, or any necessary part thereof, from year to year, so long as such necessity continues, but shall not levy in the aggregate, under this and the first sections of this act, and for the payment of principal and interest of money borrowed for such purposes, more than two mills on the dollar of taxable values in said city in any one year.

SEC. 4. That within the limits, and for the purposes aforesaid, said board of education shall levy and, on or before the first Monday of June,

annually, certify to the county auditor, separately, the per cent. of tax so found by them to be necessary under each section of this act, and said auditor shall consolidate said levies and place the same upon the tax duplicate for the then current year, charging the aggregate of said levies and the same per cent. upon all the taxable values in said city; and said taxes shall be collected in the same time and manner, and under the same regulations as to penalty and interest, as state taxes, and, as collected, shall be paid over at each period of settlement to the treasurer of said board of education.

SEC. 5. That to enable said board of education to anticipate the money so to be raised, under section three of this act, and to use the same in such amounts as the necessities of the public schools in said city may require, they are hereby authorized to borrow the sum or sums so required for immediate use, and to issue bonds therefor, in amounts not less than fifty nor more than five hundred dollars each, bearing half-yearly interest, with coupons or interest warrants attached. The principal of each series of said bonds may be payable in one, two, three, four, five and six years, an equal amount in each series as nearly as practicable to mature in each year; and in no year shall the principal and interest to fall due exceed the tax levied, or authorized to be levied and collectable, to meet such indebtedness, nor shall said bonds be disposed of for less than their par value.

SEC. 6. The annual report of said board to the city council shall be made during the month of September, in lieu of that heretofore required in April, and shall contain a complete statement of the schools, school property, and financial transactions of the board for the last school year, accompanied by vouchers for expenditures.

SEC. 7. Sections nine and ten of the act to which this is an amendment, are hereby repealed, but all rights accrued under said sections are saved.

SEC. 8. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To authorize the commissioners of Butler county, Ohio, to assist in building a bridge across the Great Miami river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Butler county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property within the limits of said county of Butler, not to exceed one-third of a mill on the dollar, for each and every year for three years in succession, to assist in building a free bridge across the Great Miami river, at a point in said county where the road, which is an extension of Third street northwardly from the third ward of the city of Hamilton, crosses said river and intersects the Hamilton and Eaton turnpike.

SEC. 2. The said commissioners are authorized to issue the bonds of

said county to anticipate the collection of the tax aforesaid, which bonds may be negotiated for the purpose of assisting to build said bridge.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

For the relief of Nathan L. Wharton, treasurer of Marion township, Noble county.

WHEREAS, The dwelling-house of Nathan L. Wharton, treasurer of Marion township, Noble county, was burglariously entered on the thirtieth (30th) day of April, 1865, and his bureau was broken open, and the public money belonging to said township, to the amount of six hundred dollars, was stolen therefrom, where the same had been deposited for safe keeping; and,

WHEREAS, The officers and tax-payers of said township, by their petition to this general assembly, represent that said robbery was committed without any fault or neglect of said Nathan L. Wharton; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Marion township, Noble county, be and they are hereby authorized to release the said Nathan L. Wharton, and his sureties on his official bond as treasurer of said township, from the payment of said sum of six hundred dollars stolen from the bureau in the dwelling-house of said Nathan L. Wharton, and the said Nathan L. Wharton and his sureties shall not hereafter be held liable to make up said stolen money to said township.

SEC. 2. This act to take effect and be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

To authorize the board of education of the incorporated village of Washington, and territory annexed for school purposes, to borrow money and levy taxes for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Washington, and territory annexed for school purposes, in the county of Fayette, be and is hereby authorized to borrow at a rate of interest not exceeding six per cent., or issue bonds for any sum of money not exceeding two thousand dollars, as a tuition and contingent fund for school purposes.

SEC. 2. That for the purpose of paying said bonds and the money to be borrowed as aforesaid, the said board of education is authorized to cause the amount thereof to be levied upon the taxable property of said

incorporated village and territory annexed for school purposes in the year 1866, by the auditor of said county, and collected as other taxes.

SEC. 3. This act shall be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

For the relief of Joseph Cable.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state auditor be directed to draw his warrant on the treasurer of state in favor of Joseph Cable, for the sum of three hundred and sixty-seven dollars and fifty cents, being the principal and interest due said Joseph Cable for balance of salary due him May 1st, 1858.

SEC. 2. The treasurer of state is hereby authorized to pay the above-mentioned sum out of the general revenue of the state not otherwise appropriated.

SEC. 3. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

AN ACT

Making further appropriation for the completion of the Gilead side-cut of the Miami and Erie canal.

WHEREAS, The general assembly of the state of Ohio, on the thirteenth day of April, 1865, passed an act entitled "an act relative to the Gilead sid -cut on the Miami and Erie canal," whereby the board of public works of said state is required to complete, on behalf of the state of Ohio, a certain contract with James Purdy for the finishing of said side-cut, and one thousand dollars appropriated therefor, which said sum appears insufficient for the purpose aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the further sum of one thousand dollars, or so much thereof as may be necessary for the completion of said contract, to be applied under the direction of said board of public works; provided, no part of this money so appropriated, shall be so expended until said James Purdy shall release to the state of Ohio all claim for damages growing out of the non-fulfillment of said contract.

SEC. 2. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

AN ACT

To authorize the city of Zanesville to renew the loan made to the town of Zanesville by the Zanesville Canal and Manufacturing Company. (Local Laws, vol. 30, pages 115 and 116.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Zanesville Canal and Manufacturing Company be and they are hereby authorized and empowered to renew, in whole or in part, the loan made by them to the town of Zanesville, under the act entitled "an act to authorize the loan of certain moneys to the town of Zanesville, in the county of Muskingum, for the erection of water works and other purposes," passed March 26, 1841 (volume 39, Ohio Local Laws, pages 115 and 116), for any period of time not exceeding twenty-five years from the date of this act, at such rate or rates of interest, at not less than six per centum per annum, and payable in such manner, and at such time or times, as may be agreed upon by the city of Zanesville and said company.

SEC. 2. All descriptions of property taxable in the city of Zanesville under the laws of this state now in force, or that may hereafter be enacted, for state, county, city or township purposes, shall be, and the same are hereby declared to be, subject to and liable for, as well as the repayment of the principal sum or sums so loaned as aforesaid, when the same shall become reimbursable, as also for the interest which may from time to time accrue thereon and become due and payable, according to the terms and stipulations of such loan or loans.

SEC. 3. It shall be the duty of the city council of the city of Zanesville and their successors, by whatever name or style they may hereafter at any time be called, to make timely provision of funds for the repayment of all moneys loaned to them under this act, when the same shall become due and payable, and also for the payment of the interest that may accrue thereon, as the same shall become due and payable, and such principal and interest, so becoming due and payable, punctually to pay unto the said Zanesville Canal and Manufacturing Company; and the said city council of the city of Zanesville shall be, and they are hereby expressly authorized and empowered, unless the funds necessary for the purpose shall have been otherwise provided by them, at any time or times when any sum of principal or interest of said loan shall be about to become due or payable, to levy upon all property subject, as hereinbefore stated, to taxation in or by said city of Zanesville, such tax or taxes in money as will be sufficient to enable said city council to pay to said company all such principal and interest, and fully to satisfy and discharge the same.

SEC. 4. If at any time or times any installment of principal or interest shall be in arrear and remain unpaid, either in whole or in part, for thirty days after such installment shall have become due and payable, according to the stipulation of said loan or loans, the said Zanesville Canal and Manufacturing Company may apply to the district court, or court of common pleas within and for the county of Muskingum, to enforce the collection of such arrears, whether of principal or interest; and the said courts are hereby authorized and required to take jurisdiction of the cause, and to proceed forthwith, through their respective master commissioners, or otherwise, to collect such arrears of principal or interest, or of either, as the case may be, and of all the costs and charges in that behalf expended, by the assessment and taxation of the taxable property by this act made liable for the payment of the same; or said district court may, upon application of said Zanesville Canal and Manufacturing Company, enforce the collection of such arrears by mandamus.

SEC. 5. The said Zanesville Canal and Manufacturing Company shall not be deprived of any of the remedies hereby given, nor of any of the benefits secured to them by this act during the continuance of the said loan, or any part thereof; provided, that nothing in this act shall be construed so as to perpetuate the existence of the said company for any other purpose than to control and manage the McIntire school fund.

SEC. 6. Said loan may be renewed by a writing upon or attached to the original contract or contracts, reading as follows:

"Payment of the principal sum named in the within (or other proper word of reference) contract is, by agreement, deferred until the day of , A. D. 18 , interest payable at the same rate, manner and time as under said original contract."

The blanks to be filled with the proper date of payment, and the writing to be signed by the mayor and clerk of the city of Zanesville, and by the president and secretary of said Zanesville Canal and Manufacturing Company.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

AN ACT

To authorize the board of public works to construct an aqueduct on the Miami and Erie Canal in Butler county, near Big Pond.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to construct an aqueduct on the Miami and Erie canal in Butler county, at such point and in such manner as the said board may deem best, to pass the water naturally flowing across the line of the canal, at or near Big Pond in said county, and at a cost not exceeding thirty-five hundred dollars, one half of which only shall be paid by the state; the remaining half to be paid by other parties that may be benefited by the improvement.

SEC. 2. The said board shall not proceed in the construction of said aqueduct until one half of the cost thereof shall have been subscribed and paid by the citizens of the vicinity, or others.

SEC. 3. That this act shall take effect from the date of its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

For the relief of Elijah Rigdon, late treasurer of Jennings township, Van Wert county, Ohio.

WHEREAS, The dwelling-house of Elijah Rigdon, late treasurer of Jennings township, Van Wert county, Ohio, was burned on the 8th day of

February, 1858, and the public money, amounting to $486.69, belonging to said township, in the custody of said Elijah Rigdon as treasurer aforesaid, was destroyed; and,

WHEREAS, The officers and tax-payers of said township, by their petition to this general assembly, represent that said Elijah Rigdon is wholly insolvent; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Jennings township, Van Wert county, Ohio, be and they are hereby authorized to release the said Elijah Rigdon, and his sureties on his official bond as treasurer of said township, from the payment of said sum of four hundred and eighty-six dollars and sixty-nine cents, destroyed by the burning of the dwelling-house of said Rigdon, and the said Rigdon and his sureties shall not hereafter be held liable to make up said money to said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

For the relief of Amelius Robertson, treasurer of Middleton township, Wood county, Ohio.

WHEREAS, The safe in the possession of Amelius Robertson, treasurer of Middleton township, Wood county, Ohio, furnished him by the trustees of said township for the safe keeping of the township funds, was burglariously broken open on the night of the nineteenth day of January, 1866, and four hundred and sixty-five dollars and sixty-four cents of the township funds, belonging in [to] said township, stolen therefrom; and,

WHEREAS, The officers and tax-payers of said township, by their petition to this general assembly, represent that said robbery was committed without any fault or neglect of said Amelius Robertson; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Middleton township, Wood county, Ohio, be and they are hereby authorized to release the said Amelius Robertson, and his sureties on his official bond as treasurer of said township, from the payment of said sum of four hundred and sixty-five dollars and sixty-four cents, stolen from the safe as aforesaid, and the said Amelius Robertson and his sureties shall not hereafter be held liable to make up said stolen money to said township.

SEC. 2. The trustees of said township are hereby authorized, if in their opinion it is necessary, to levy a tax not exceeding the sum of four hundred and sixty five dollars and sixty-four cents, to be applied to the same special funds and for the same purposes that the funds so stolen were to have been applied.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the location and construction, by the county commissioners of Scioto county, of free turnpike and plank-roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Scioto county, when they shall become satisfied that the producing and consuming interests of their county demand and justify special action for the improvement of the roads of such county, are hereby authorized and empowered to appoint three disinterested freeholders of their county as commissioners, to view, survey, and locate within their said county one or more main trunk roads, beginning at and leading from the county seat of said county, and running by such direct and eligible route as they may find to be best for the public convenience, and terminating at any point within or at the county line; provided, that nothing herein contained shall be construed to authorize or require said county commissioners to construct or maintain any such road within the corporate limits of the town or city where the county seat is located.

SEC. 2. That the roads established and constructed under this act, shall be opened not exceeding sixty feet wide, thirty feet of which shall be cleared, and kept clear of stumps, logs, brush or other obstructions (except natural obstructions not susceptible of removal except at great expense), and at least sixteen feet shall be turnpiked with earth, so as to drain freely to the sides, or otherwise artificially raised with stone, gravel or other convenient and suitable material, well compacted together in such manner as to secure a firm, even and substantial road, or the same may be constructed and finished as a plank-road. In no case shall the grade of ascent or descent on said road be greater than five degrees, and the same shall be well provided with all necessary side drains, waste-ways and underdraining, to prevent overflowing or washing by water, and with substantial bridges or culverts at all crossings of water-courses; and said roads shall be free to public use, for trade and travel, subject to such rules and regulations as to the proper use thereof as the commissioners shall prescribe.

SEC. 3. Said county commissioners shall have authority to authorize the commissioners by them appointed, to call to their assistance the county surveyor, or any other competent surveyor, or a civil engineer, or both, at their discretion, with the necessary and proper assistants, and to lay out, survey and locate such turnpike or plank-road, through or upon any improved or unimproved lands, on the best route between the points of beginning and termination, and to obtain by grant, or take propositions for the purchase from the owner or owners of land over which said road will pass, the right of way, and to take timber and other materials necessary to the construction and repair of the same, and when said commissioners and the owner or owners fail to agree as to the amount of compensation, or when the owner is unknown, non-resident, or incapable of contracting, then the same shall be ascertained and adjusted by proceedings had in the name of said county commissioners, under the laws in force at the time providing for the appropriation of private property to public use; and in locating such road, said county commissioners may authorize the viewers, or commissioners by them appointed, to locate said road upon the whole or any part of any state, county or township road heretofore laid out and established within said county, and to widen, alter, change or vacate the same, or any part thereof, subject to the same rules as to compensation for property appropriated as aforesaid.

SEC. 4. That before determining upon the location or establishment of any such free turnpike or plank-road, said county commissioners may require donations of money, and written agreements on the part of taxpayers of such county, subjecting their taxable property to taxation annually, to aid in the location and construction of the same, during the term of years named therein, and at the rate therein specified, which agreements shall be filed and recorded in the office of the county auditor of such county, and from the time of such filing and recordation, shall operate as a lien upon the real estate of the several parties joining therein as donors, for the purpose therein provided. All revenues derived from the aforesaid donations, in money and taxation, shall be kept and held as a separate fund in the county treasury of such county, and shall be applicable only to the purposes of locating, constructing and keeping in repair such free turnpike or plank-roads, for the location and construction of which the same have been donated; and if said commissioners shall determine not to establish and construct such road, then any moneys received as donations shall be refunded, and said agreements for donations by taxation shall become inoperative.

SEC. 5. That upon the location and establishment of any such free turnpike or plank-road by the county commissioners, they shall be authorized, for the purpose of aiding in the construction and to provide a permanent fund for the maintenance and expense thereof, to levy annually, in addition to other road taxes authorized by law, a tax for turnpike and plank-road purposes of not more than four mills on the dollar of valuation on the grand duplicate of taxable property in such county, and to continue such levy, from year to year, until any such road or roads which may have been commenced shall be completed.

SEC. 6. Said commissioners shall cause to be kept, by the county auditor, a full record of all their proceedings in the location, establishment and construction of such roads, together with accurate accounts of receipts and expenditures of money under the provisions of this act; and no money shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by said commissioners whilst in session as a board, to be entered upon the record of their proceedings, and by orders drawn by the county auditor upon the county treasurer in favor of the persons to whom such money is due.

SEC. 7. The work in the construction of such roads shall be, by the county commissioners, let publicly to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published or of general circulation in such county, or by hand-bills, or both; and, for that purpose, said commissioners shall cause the same to be divided into convenient sections, and each section numbered from the county seat toward the termination, and shall let the same by sections, with proper specifications of the various kinds of labor required on each section; and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners shall provide, and each contractor shall be required to give good and sufficient security for the performance of his contract, by bonds payable to said county commissioners, and with the necessary specifications and stipulations on the part of said contractor inserted therein. In all cases the construction of such roads shall commence, at the point of beginning, near or at the county seat, and no more of the work shall be let in any one year than can be completed with the money provided for such year. No payment for work or material shall be made except upon estimates made by the surveyor or engineer employed by the commissioners, and by him duly

certified, of work actually done or materials actually furnished, or both, and, after reserving such per cent. as may be fixed by the parties to the contract, to guarantee performance of the same.

SEC. 8. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across the White Water river, at or near Callaway's ford, in White Water township; provided, the cost of construction shall not exceed the sum of twenty-five thousand dollars; and to provide for the payment of such cost of construction, they are hereby authorized, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county.

SEC. 2. This act shall take effect on and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the city council of the incorporated city of Newark to borrow money to buy fire engines, apparatus, and for the improvement of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of Newark be and they are hereby authorized to borrow a sum of money not exceeding eight thousand dollars, at an interest not to exceed six per cent. per annum, to be appropriated to the purchase of fire engines and hose for the fire department, and for the general improvement of said city; and the city council are hereby authorized to issue the bonds of said city for the amount of said money so borrowed, the principal and interest of said bonds to be made payable at such times and in such proportions as said city council may stipulate therein. To pay the bonds which may be issued under the provisions of this act, and the interest on the same, as they become due, said city council are hereby authorized to levy an additional tax on all the taxable property within the limits of said city of Newark, sufficient to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend the second section of an act entitled an act to authorize the drainage of Hog creek Marsh, in Washington township, Hardin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above-entitled act be amended so as to read as follows:

Section 2. That in the exercise of the authority and power conferred by the preceding section, the said commissioners shall be governed by the provisions of the act passed March 27th, 1861, entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," and shall in all respects proceed in the manner prescribed, and have all the powers conferred by said act; provided, that the petition therein provided for shall be properly filed by any one or more person or persons owning lands adjacent to, or which may be benefited by the draining of said marsh; and, provided further, that the tax to pay the costs and expenses of said proceedings and drainage, shall be levied equitably upon all the lands of said marsh, and the lands in the vicinity thereof, to be benefited thereby, except school section sixteen, the equitable proportion for which shall be levied on all the lands within the township of Washington, in said county of Hardin, to which township the said school section sixteen belongs. The said tax may be levied all in one year, or may be apportioned and levied in two or three succeeding years, in equal proportions.

SEC. 3 [2]. That section two of the above act be and the same is hereby repealed.

SEC. 4 [3]. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To transfer a certain fund therein named to the general fund of the incorporated village of Lima, Allen county, Ohio.

WHEREAS, The incorporated village of Lima, Allen county, has fully paid up the amount of the bonds, with the interest due on their subscription, to the stock of the Dayton and Michigan Railroad Company, and there remains in the treasury of said village an unappropriated surplus of three hundred and sixteen dollars, belonging to said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Lima, Allen county, be and they are hereby authorized to transfer the said sum of three hundred and sixteen dollars to the general fund of said village.

SEC. 2. This act shall be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Authorizing the trustees of Storrs township to levy a tax for the repair and improvement of Storrs township fire engine and engine house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Storrs township, Hamilton county, be and the same are hereby authorized to levy a tax of one-half of one mill on all the taxable property in said township, for the repair and improvement of the house and engines of "Storrs Township Fire Company."

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the trustees of Farmers' College, of Hamilton county, to dispose of certain lands.

WHEREAS, The Farmers' College, of Hamilton county, an institution of learning incorporated by the state of Ohio, have valuable but unproductive lands, now unavailable for its support, and, by reason of the death and removal of a large number of its stockholders, a unanimous vote is impossible, as would also be a sale and pro rata dividends among them; and,

WHEREAS, By its sale or lease, it may be continued in usefulness as an institution of learning; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Farmers' College, of Hamilton county, at a regular meeting of the same, shall be and they are hereby authorized to call a meeting of the stockholders, scholarship-holders, and donors to the said incorporation, at the chapel of said college, by giving three weeks' notice in at least two newspapers in general circulation in Hamilton county, and one each in Clermont and Butler counties, stating the object of said meeting and the time and place of it.

SEC. 2. That the stockholders, scholarship-holders and donors, at the meeting provided for in the first section of this act, or a majority of them, may authorize and direct the sale or lease, for an annual rent, such part of the real estate of the corporation, as to them may seem proper, for the support of the college, and their action in these premises shall be binding and legal.

SEC. 3. The board of trustees are authorized to lease, for an annual rent, or convey in fee simple or less estate by their president and secretary, under the seal of the incorporation, such portions of the real estate as may be authorized at the meeting of the stockholders, scholarship-holders and donors at the said meeting, clearly expressed by the chairman and secretary of said meeting, to the person or persons to whom the trustees shall adjudge them.

SEC. 4. That the moneys arising from sales of real estate, after paying the necessary expenses attending the same, shall be invested in the stocks of the United States, the state of Ohio, Hamilton county or city of Cincinnati bonds, yielding an interest of not less than six per cent.,

which interest, with the annual rents and other incomes only, shall be used for the support and maintenance of the said college, reserving the principal as an irreducible fund for the said college.

SEC. 5. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro. tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the township trustees of Jackson township, Muskingum county, Ohio, to levy a tax for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of Jackson township, Muskingum county, Ohio, be and they are hereby authorized to levy a tax of not exceeding one hundred dollars annually, on the taxable property of said township of Jackson, to be levied and collected as other taxes are levied and collected, to pay a hand to open and close a draw-bridge now being erected by the county commissioners of said county, over the canal at the village of Frazeysburgh in said township, and for no other purpose.

SEC. 2. That this act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the board of education of New Richmond Union school, in Clermont county, Ohio, to borrow money to pay teachers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of New Richmond, Clermont county, Ohio, are hereby authorized to borrow money, not exceeding eight hundred dollars, at a rate of interest not exceeding six per cent. per annum, for the purpose of paying teachers in the public schools of said village.

SEC. 2. That for the purpose of raising said money, said board of education are hereby authorized to issue bonds to the amount of eight hundred dollars, in sums not less than twenty-five dollars each, bearing interest at the rate of six per cent., and redeemable at the pleasure of said board of education, at any time within one year from the 31st day of August, 1866.

SEC. 3. That for the redemption of said bonds, said board of education shall have power, and are hereby authorized to levy a tax on all the taxable property within said village, for the year 1866, not exceeding two mills on the dollar, which tax shall be placed upon the tax duplicate of said county, and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across Mill Creek, at or near the western end of eight [eighth] street, in the city of Cincinnati; and to provide for the payment of the cost of construction of such bridge, said commissioners are hereby authorized, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county, not exceeding the one-fourth of one mill.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the board of education of the incorporated village of Van Wert, Van Wert county, to borrow money for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of the incorporated village of Van Wert, in Van Wert county, and the territory thereto annexed for school purposes, be empowered to borrow money, not exceeding thirty thousand dollars, for the purpose of building a Union school house.

SEC. 2. That for the purposes aforesaid, said board of education are empowered to issue bonds, signed by the president and secretary of said board, in sums of not less than fifty nor more than five hundred dollars each, bearing interest payable semi annually, at a rate not exceeding six per centum, and payable in one, two, three, four, five, six, seven and eight years, in equal amounts, and redeemable at the pleasure of said board; provided, that said bonds shall not be disposed of for less than their par value; and provided, further, that the board of education as aforesaid shall, previous to issuing any bonds for the purpose contemplated in this act, call a meeting of the legal voters of said incorporated village of Van Wert and territory thereto annexed for school purposes, by posting, at least ten days previous to each meeting, three or more notices in the most public places therein, in which notices the amount proposed to be issued of said bonds shall be distinctly stated. At the said meeting, the president or some member of the board of education shall preside, and receive the votes, on which shall be endorsed "for the bonds," or "against the

bonds;" and a majority of the votes cast shall determine whether or not said board of education shall have power to issue bonds.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, said board are empowered to levy a tax annually, upon all the taxable property of the incorporated village of Van Wert, Van Wert county, and the territory thereto annexed for school purposes, sufficient therefor, which shall be placed on the duplicate of the auditor of said county, and collected as other taxes levied by said board, and it shall not be lawful for said board to appropriate any of said funds for any other purpose than that for which it was levied.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To amend section two and section four of an act entitled "an act to authorize the county commissioners of Greene county to sell certain real estate in said county, and to provide for the erection of a county infirmary and jail in said county," passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

Section 2. That said county commissioners are hereby authorized to purchase a suitable farm or parcel of land in said county, for a poor house or infirmary farm, and to erect suitable buildings for an infirmary thereon, at a cost not exceeding twenty thousand dollars in addition to the proceeds, realized or estimated, of said farm authorized by the first section of this act to be sold, which said commissioners are hereby authorized to appropriate for that purpose.

SEC. 2. That section four be so amended as to read as follows:

Section 4. That said commissioners shall have power to appropriate any moneys now in the treasury of said county, and not otherwise appropriated, and may, in their discretion, sell and apply the proceeds of any railroad or other stocks, scrip or bonds, belonging to said county, to the payment of the sums authorized by this act, to be appropriated for the purposes aforesaid, and may issue bonds of said county for sums not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per year, and payable not later than the first day of June, A. D. 1869, for the balance, if any; said bonds to be signed by at least two of said county commissioners, and countersigned by the auditor; but the same shall not be sold for less than their par value. Said commissioners may, in their discretion, levy a tax upon the taxable property of said county for the payment of the whole or part of said balance, and for the payment of principal and interest of any bonds so issued, and apply said tax to the purposes aforesaid, and no other.

SEC. 3. That said sections two and four be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the city of Columbus to levy a special tax for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the city council of any city of the second class having a population, at the last federal census, of not more than nineteen thousand, and not less than ten thousand inhabitants, to make an additional levy of two mills on the dollar on the taxable property of such city, for the year 1866, for special sewerage purposes, and to provide for borrowing money, or issue bonds in anticipation of the amount to be raised by such levy, at a rate of interest not exceeding six per cent. per annum; provided, that any bonds that may be issued for the above named purpose shall not be sold for less than their par value.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the town council of the incorporated village of Higginsport, in the county of Brown, and the state of Ohio, to borrow money and to assess and collect a tax for the purpose of building a wharf and wharf boat and improving the public landing in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Higginsport, in the county of Brown, and state of Ohio, is hereby authorized to borrow money, not to exceed [illegible]thousand dollars, at a rate of interest not to exceed six per cent. per annum, for the purpose of building a wharf and wharf boat and improving the public landing in said village.

SEC. 2. That for the purpose of raising said money, said village council is hereby authorized to issue bonds to the amount of five thousand dollars, in sums of not less than one hundred dollars nor more than one thousand dollars each, bearing interest at the rate of six per cent. per annum, interest payable semi-annually, and redeemable at the pleasure of said village council within five years from and after the passage of this act.

SEC. 3. That for the redemption of said bonds when the same or any part thereof shall become due, with the accruing interest, said village council shall have power, and is hereby authorized, to levy on all taxable property within said village of Higginsport, such amount of money annually as will pay the interest in [on] said bonds, and the principal thereof,

when and as they may respectively become due, which shall be placed upon the tax duplicate of said county by the auditor thereof, and collected as other taxes levied by said village council.

SEC. 4. That the town council of the said incorporated village of Higginsport, be and they are hereby authorized to levy and collect for incidental purposes, a tax not exceeding eight and one-half mills on the dollar valuation of taxable property in said village, as other taxes are now levied and collected by law.

SEC. 5. This act to take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the town council of the incorporated village of Hillsborough, Highland county, to issue bonds and levy a tax to aid in the construction of a turnpike road from Hillsborough, Highland county, to Locust Grove, Adams county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Hillsborough, Highland county, Ohio, are hereby authorized to appropriate and contribute a sum not exceeding twenty thousand dollars, for the purpose of aiding in the construction of a turnpike road from Hillsborough, Highland county, to Locust Grove, Adams county.

SEC. 2. That for the purpose of raising the money necessary to meet such appropriation, the said town council are hereby authorized to issue the bonds of the said incorporated village, payable at such times as may be deemed advisable, with the interest not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying said bonds and interest thereon, as the same may become due, the said town council is hereby authorized to levy a tax upon the taxable property of said incorporated village, sufficient for the purpose, not exceeding five mills upon the dollar in any one year, which shall be used for no other purpose.

SEC. 4. This act shall take effect a[illegible]om and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the commissioners of Franklin county to levy a special tax for infirmary purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Franklin county be authorized to make

an additional levy of one-half of one mill on the dollar, on the taxable property of said county for the year 1866, to enlarge and improve the county infirmary, and to provide for borrowing money, and issue bonds in anticipation of the amount to be raised by such levy, at a rate of interest not exceeding six per cent. per annum.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

For the relief of Moses Garrison and George Wickle, sureties upon the official bond of Albert Parker, late treasurer of Vernon township, Clinton county, Ohio.

WHEREAS, Albert Parker, late treasurer of Vernon township, Clinton county, Ohio, on the 30th day of November, A. D. 1863, was discovered to have unlawfully appropriated to his own use a large amount of public moneys theretofore in his hands, as township treasurer of said township; and,

WHEREAS, Moses Garrison and George Wickle, sureties of the said Albert Parker, by reason of the insolvency of said treasurer and their obligations as his sureties, have paid into the treasury of said township a large amount of the sum appropriated by said treasurer, leaving a balance unpaid of $2,939.03, which said balance said sureties have not the means to pay in full; and,

WHEREAS, The tax-payers of said township have petitioned the general assembly of the state of Ohio to authorize the trustees of said township to discharge the said sureties from all further liability; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Vernon township, Clinton county, Ohio, be and they are hereby authorized to release the said Moses Garrison and George Wickle, sureties upon the official bond of said Albert Parker as treasurer of said township, from the payment of the said sum of $2,939.03, being the unpaid balance of the public moneys unlawfully used and appropriated by said treasurer, and the said sureties shall not be hereafter held liable for the payment of said sum of money; provided, that nothing in this act shall be construed to relieve the said Albert Parker from any obligation or penalty, civil or criminal.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

AN ACT

To authorize the board of education of Olive township, Noble county, Ohio, to raise money to purchase a site and erect a school-house in sub-district No. 10, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Olive township, Noble county, Ohio, is hereby authorized to raise by taxation and loan, a sum of money not exceeding two thousand five hundred dollars, to purchase a school-house site for sub-district number ten, in said township, and erect thereon such buildings as the educational interest of said sub-district may require.

SEC. 2. That the said board of education is hereby authorized to issue bonds to be signed by the chairman and clerk of said board, for not less than fifty nor more than five hundred dollars each, which shall be made negotiable and may bear interest at a rate not exceeding six per cent. per annum, as said board of education may direct, the principal and interest of said bonds shall be payable at the township treasury of said township at such times as shall be therein stipulated; provided, said bonds shall not be sold or disposed of by said board at less than their par value.

SEC. 3. The said township board of education is hereby authorized, if in their opinion justice and equity require it, to certify such portion as they may deem just and equitable of the amount necessary for the purchase of said school-house site and the erection of the necessary buildings thereon, to the county auditor of the said county of Noble, which amount so certified shall be assessed by the auditor on the property of said sub-district number ten, Olive township, subject to taxation, and placed on the county duplicate specially, and be collected and paid over in the same manner as other school taxes, and be applied for the special purpose of providing a school-house in said sub-district.

SEC. 4. The said board of education is hereby authorized to levy for the year 1866, on the taxable property of said township, over and above the several amounts which they are now authorized by law to levy for school purposes, such portion of the estimate as they may determine to assess upon the township at large, as is provided in the third section of this act, and are authorized in like manner, in addition thereto, to levy annually on the taxable property in said sub-district number ten, such sum as they may deem necessary in addition to the levy hereinbefore provided, for the purpose of purchasing said school-house site and erection of the buildings thereon, or to redeem any bonds issued by authority of this act, not exceeding one thousand dollars in any one year, and such levies shall be certified to the auditor of said county at the usual time, and by him be entered on the tax duplicate.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

AN ACT

To authorize the commissioners of Hamilton, Warren and Clermont counties to build a free bridge across the Little Miami river at Loveland, in Clermont county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the boards of commissioners of Hamilton, Warren and Clermont counties are hereby authorized to build a free bridge across the Little Miami river at Loveland, Clermont county, Ohio, at a cost not exceeding twenty thousand dollars, which cost is to be borne jointly and equally by said counties.

SEC. 2. Be it further enacted, that the commissioners of said counties are hereby authorized to levy a tax upon the real and personal property of said counties, to enable them to build said bridge.

SEC. 3. That when said bridge is built, the commissioners of said counties shall keep the same in repair.

SEC. 4. This act to be in force on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

For the relief of James Linton, treasurer of Vernon township, Clinton county, Ohio.

WHEREAS, On the night of the 24th of January, 1866, the store-house of James Linton, treasurer of Vernon township, Clinton county, Ohio, and occupied by Linton & Murdock, was burglariously entered, their safe blown open with powder, and the township money that had been deposited in said safe by James Linton, to the amount of twenty-six hundred and twenty dollars, was stolen therefrom; and,

WHEREAS, The tax-payers of said township, by their petition to this general assembly, represent that said robbery was committed without any fault or neglect of said James Linton; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Vernon township, Clinton county, Ohio, be and they are hereby authorized to release the said James Linton, and his sureties on his official bond as treasurer of said township, from the payment of said sum of twenty-six hundred and twenty dollars, stolen from the safe in the store-house of said James Linton; and the said James Linton, and his sureties, shall not hereafter be held liable to make up said stolen money to said township.

SEC. 2. This act shall take effect and be in force from its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the council of the incorporated village of Logan, Hocking county, Ohio, to borrow money to build a town hall, market-house, mayor's office, and village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of the incorporated village of Logan, Hocking county, Ohio, are hereby authorized and empowered, after the majority of the qualified electors of said village have voted therefor, to erect a building suitable for the purpose of a town hall, market-house, mayor's office, and village prison, to cost a sum not exceeding fifteen thousand dollars.

SEC. 2. To carry into effect the provisions of the above section, the said council are hereby authorized and empowered to borrow the sum above specified, and issue bonds, bearing interest at a rate not exceeding six per cent., redeemable in two, three, four, five and six years, and to levy a tax each year sufficient for the redemption of said bonds as they mature.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To enable the town council of the incorporated village of Winchester, in Adams county, to levy taxes to repair roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Winchester, in Adams county, be and are hereby authorized to levy a tax not exceeding three mills on the dollar of the taxable property in said village each year, for the period of five years, for the purpose of repairing roads; provided, that the sum [same] be submitted to a vote of the legal voters of said village, at the annual election of each year, and a majority of the same decide that the levy shall be made as herein provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the sale of certain school lands situate in Springfield township, Ross county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of the several townships interested in the

northwest quarter (N. W. ¼) of section number nine (No. 9), in township number eight (No. 8), of range number twenty-one (No. 21), situate in Springfield township, Ross county, Ohio, being the same lands granted for school purposes, in lieu of section sixteen (16), to fractional township number one (No. 1) of range number twenty two (No. 22), Worthington's survey, according to the provisions of the act of congress, approved May 20th, 1826, may, without submitting the question of the sale thereof to the voters of such township, at any time, file their petition, praying for the sale thereof, in the court of common pleas of said Ross county, alleging that the sale thereof will be for the benefit of all interested in said school lands; and if such court, on the hearing of such petition, shall be satisfied of the truth of said allegation, said lands shall be ordered by it to be sold; and shall moreover be governed in all things, and all subsequent proceedings shall be, according to the provisions of the laws applicable thereto, provided for in the fifth (5th) and following sections of the act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852, and the several acts amendatory thereof, now in force; except that one-half (½) of the purchase money shall be paid in hand, with the privilege to pay all, and may be appraised and sold entire, or in forty acre lots, by which such court, county auditor, purchaser, and all parties interested, shall be governed.

SEC. 2. That prior to the hearing of such petition, the said trustees, after the same shall have been filed in such court, shall give notice of the pendency, object and prayer thereof, by publication in some newspaper printed and of general circulation in said county, of the due publication of which such court shall be satisfied before granting such order and appointing such said appraisers.

SEC. 3. The moneys arising from such said sale, after defraying the costs and expenses thereof, shall belong to such said fractional township only, and for school purposes.

SEC. 4. This act shall be in force from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

Supplementary to an act entitled "an act to authorize the commissioners of Montgomery county to build a bridge across the Great Miami river at Dayton," passed April 17th, 1861.

WHEREAS, Under the provisions of the act to which this is supplementary, the commissioners of Montgomery county undertook the building of a bridge across the Great Miami river, at the west end of Franklin street in the city of Dayton, which, under the authority given by said bill, they are unable to complete, owing to the increased price of materials; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Montgomery county be and hereby are authorized to levy a tax, sufficient to raise such sum, not to exceed fifteen thousand dollars, as may be required to complete the said bridge; provided,

that the subscription made and secured by the bond of R. P. Brown, Jonathan Kenney and others, of five thousand dollars, shall be enforced and collected, and deducted from the amount estimated to complete said bridge, and the tax shall be levied only for the balance.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

AN ACT

To authorize the city council of the city of Tiffin to levy a tax to raise money to purchase a steam fire engine, hose, to build cisterns, and for other fire purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Tiffin be and they are hereby authorized to levy a tax upon the taxable property of said city, for the year 1866, not exceeding ten mills on the dollar, for the purpose of purchasing a steam fire engine and hose for same, and to build cisterns, and for other fire purposes.

SEC. 2. It shall be the duty of the city clerk to certify to the county auditor the rate of taxation levied by said council under this act, at the time and in the manner that other city rates are now by law required to be certified, and the auditor shall enter the same on the tax duplicate, and the treasurer shall collect and pay over to the city treasurer all moneys coming into the treasury under this act, as now required by law.

SEC. 3. In anticipation of the moneys by this act authorized to be raised, the city council may borrow money, not exceeding three quarters of the amount levied, and issue bonds therefor, at a rate of interest not exceeding six per cent. per annum.

SEC. 4. All moneys that may come into the city treasury by virtue of this act, shall be applied to the uses herein specified, and to no other purpose.

SEC. 5. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTIONS.

JOINT RESOLUTION,

Relative to informing the governor that both houses of the general assembly have permanently organized.

Resolved by the General Assembly of the State of Ohio, That two (2) members on the part of the senate, and three (3) members on the part of the house, wait upon the governor and inform him that the two houses have permanently organized, and are prepared to receive any communication he may choose to communicate.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 18, 1866.

JOINT RESOLUTION,

Relative to the meeting of the two houses in joint convention.

Resolved by the General Assembly of the State of Ohio, That the two houses meet in joint convention, in the hall of the house of representatives, this Thursday, January 18, 1866, at three o'clock P. M., for the purpose of electing a United States senator, to succeed the Hon. John Sherman, when his present term of office expires.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 18, 1866.

JOINT RESOLUTION,

Relative to authorizing the secretary of state to furnish the superintendents of the state institutions with Swan & Critchfield's statutes.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized to furnish to the superintendents of each of the state institutions a copy of Swan & Critchfield's statutes.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 20, 1866.

JOINT RESOLUTION,

Relative to the adoption of joint rules for the government of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That the joint rules of the last general assembly for the government of the two branches thereof, be adopted by this general assembly until otherwise ordered.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Relative to the meeting of the two houses in joint convention.

Resolved by the General Assembly of the State of Ohio, That the two houses of this general assembly meet in joint convention in the hall of the house of representatives on Thursday January 4th, at 10½ o'clock A. M., to count the votes cast for state officers at the election held on the second Tuesday of October last.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Requiring the secretary of state to certify to the president of the senate an abstract of all the votes cast by the soldiers in the field.

WHEREAS, It is stated upon reliable authority that certain of the clerks of the courts of common pleas within this state have neglected or refused to certify in the abstract of votes, sent to the president of the senate, the vote cast by the soldiers in the military service of the United States as required by law; therefore be it

Resolved by the Senate and House of Representatives, That the secretary of state be required to certify to the president of the senate an abstract of all votes cast by the soldiers in the field, as returned to his office, and that the same be counted by the joint convention of the two houses in all cases where the clerks of the proper counties have failed to certify such vote.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Appointing a joint committee of the senate and house to make arrangements for the inauguration of the governor elect, and other state officers.

Resolved, That a committee of three on the part of the senate, and five on the part of the house, be appointed to make such arrangements as may

be necessary in connection with the citizens of Columbus, for the inauguration of the governor elect, and other state officers on Monday the 8th inst.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Requesting the treasurer of state to report to the general assembly relative to the armed night-watch employed.

WHEREAS, At the last session of the general assembly a resolution was passed authorizing the treasurer of state to employ such armed assistant night-watch as might be necessary and sufficient to guard the state treasury.

Resolved by the General Assembly of the State of Ohio, That the treasurer of state be and he is hereby requested to report to this general assembly, at his earliest convenience, whether such armed night-watch has been employed; if so, in what manner they performed their duties, and whether they were stationed on the inside, or on the outside of the state treasury.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Relative to the appointment of a joint committee to wait on the governor and state officers and inform them of their election.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house, be appointed to wait on the governor, lieutenant-governor, attorney-general and treasurer of state elect, and inform them of their election, and the arrangement made for their inauguration on the 8th inst.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Relative to the printing certain reports made under an act to provide for the sale of land scrip and other purposes.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand copies of the majority and minority report of the

commissioners appointed under an act to provide for the sale of land scrip, and other purposes, passed April 13, 1865; together with the report of the auditor, treasurer and secretary of state, of their proceedings under said act.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Appointing a joint committee to report rules for the government of the general assembly.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house, be appointed to report joint standing rules for the government of the two houses.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 22, 1866.

JOINT RESOLUTION,

Relative to requesting our senators and representatives in congress, when any law may be passed issuing bounties or land warrants to soldiers, to use their influence to have it so provided that such warrants, or bounties, shall issue only to the soldier performing the service, or his heirs.

Resolved by the General Assembly of the State of Ohio, That any laws which may be passed by congress for the equalization of bounties, for the issuing of land warrants, or for any additional compensation or benefit to soldiers, serving in the late war of rebellion, should still further provide that such bounties shall be paid to the soldier performing the service, or his heirs, in such manner that possession of his discharge papers by other parties, shall in no way impart to such parties the right to receive such bounties, land warrants, or other benefits. And it is hereby urged upon the senators and representatives in congress from this state, that their earnest efforts be made to secure the end sought in this resolution.

Resolved, That a copy of this resolution be forwarded to each member of the senate and house of representatives in congress from this state.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1866.

JOINT RESOLUTION,

Relative to tendering the thanks of the people to the soldiers of the Union army.

Resolved by the General Assembly of the State of Ohio, That we tender our grateful thanks to all officers and soldiers of this state for their patriotism and bravery, so gallantly manifested during the late war, in promptly rallying around and defending the honor of our old flag of "stars and stripes," against the insulting taunts and assaults ot defiant rebels, who, without just cause or provocation, waged a suicidal war against our government, the purest and best ever instituted by man.

Resolved, That we cherish the memory of our gallant sons who have fallen in defense of their country. May their acts of noble prowess be perpetuated in all coming time; may their widows and orphans be the recipients of the loyal support and kindest regards of a grateful people.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1866.

JOINT RESOLUTION,

Relative to the appointment of a joint committee to visit the soldiers' Home.

Resolved by the General Assembly of the State of Ohio, That a joint committee of five from the senate and five from the house, be appointed to visit the soldiers' Home, and report upon its condition, and the legislation necessary for its adoption and continuance by the state, with power to report by bill or otherwise.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1866.

JOINT RESOLUTION,

Relative to the appointment of a joint committee for the adjustment of claims growing out of the Morgan raid.

Resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to consider the claims of our citizens growing out of the Morgan raid.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1866.

JOINT RESOLUTION,

Relative to the appointment of a joint committee to make certain investigations in the several state departments.

Resolved by the General Assembly of the State of Ohio, That a select joint committee consisting of three members on the part of the senate, and six members on the part of the house, be appointed, whose duty it shall be to call upon the governor and heads of the different departments of state, civil and military, and ascertain what number of clerks or assistants are employed in the various offices, for what purpose, and at what salary. To examine the systems of accounts prevailing in said departments, whether they may be modified or changed without detriment to the state, and to consider what modification of our laws is necessary to reduce the public expenditures to the lowest possible amount; and to report by bill or otherwise.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 25, 1866.

JOINT RESOLUTION,

Relative to a joint meeting of the committee on finance of both houses.

Resolved by the General Assembly of the State of Ohio, That the standing committee on finance of both houses, be requested to meet in joint committee, and consider the question of framing their general appropriation bills so as to provide for all expenses of the state government for two years, with a view of restricting the present session of the general assembly to a biennial session, and to report to each body the result of their deliberations at an early day.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

January 27, 1866.

JOINT RESOLUTION,

Relative to the assumption by the general government of the war debt of the several states.

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be and the same are hereby requested to exert their influence against the passage of any law under which the general government shall assume the war debt of the several states, incurred in raising and paying bounties to volunteers.

Resolved, That the governor be requested to transmit copies of the above resolution to our senators and representatives in congress.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 1, 1866.

JOINT RESOLUTION,

Relative to printing the report of the state board of agriculture for the years 1865 and 1866.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and required by law, under and in accordance with a law passed March 24, 1860, to provide for the execution and supervision of the state printing and binding, under the joint supervision of the supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the report of the state board of agriculture for the year 1865, and twenty thousand copies of the report for the year 1866, of which ten per cent. shall be printed in German, and the size of the type, and mechanical execution, to conform to the report of the said board for the year 1864: provided, that nothing shall be published in said reports except such matter as is authorized by law, not to exceed in size the report of 1864; 2,000 copies of the report for the year 1865, and 2,000 copies of the report for the year 1866, be subject to the order of the state board of agriculture for exchange and foreign distribution; 18,000 copies of the report for each of said years 1865 and 1866, the secretary of state shall apportion among the present members of the general assembly, the number of German copies for each member to be determined by a list to be furnished the said secretary of state by the committee on agriculture, in each house, on which list shall be stated the number of German copies desired by the several members. Said report shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside; and it shall be the duty of said county auditors to notify the respective members within ten days after the receipt of the said reports, and if not removed by the person to whom directed or on his written order within thirty days, then the reports are to be by the auditor delivered to the president of the county agricultural society for distribution. The charges for the transportation of the said reports, as well as the charges for lumber, and making boxes, shall be paid for in the same manner as is, or may be, provided by law for the distribution of the laws and journals.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 1, 1866.

JOINT RESOLUTION,

Relative to the services of Edwin M Stanton, secretary of war. and the officers and soldiers furnished by Ohio during the late war.

Resolved by the General Assembly of the State of Ohio, That the people of Ohio will ever regard with admiration and pride the achievements of her officers and soldiers, in the bloody and triumphant struggle which has overwhelmed the rebellion and preserved the integrity of the Union; that by their distinguished military abilities, their heroic deeds, and their patriotic sacrifices, they have proudly elevated Ohio among her sister states, and given imperishable lustre to the national arms; that by their services and sacrifices, they have won the nation's gratitude, and Ohio especially will ever cherish with grateful pride the memory of their illustrious deeds.

Resolved, That the people of Ohio regard the eminent services of Edwin M. Stanton, as secretary of war, during the late rebellion, of inestimable and lasting value to the nation; that his indomitable energy and unflagging toil in the discharge of his momentous and responsible duties, have contributed in a very high degree to our national triumph; that his courage, sagacity and promptitude displayed on the occasion of the assassination of the president, contributed greatly in rescuing the nation from the frightful perils with which it was menaced; that the unceasing fidelity and earnestness with which he has devoted his whole mental and physical powers to the organization of war and the maintenance of our armies, entitle him to the gratitude and affectionate regard of his countrymen; and that Ohio, the state of his nativity and former residence, is, through her representatives, peculiarly called upon to testify her approbation of his services.

Resolved, That the governor be requested to forward a copy of these resolutions to Hon. E. M. Stanton.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 8, 1866.

JOINT RESOLUTION,

Directing the auditor of state to make certain inquiries of probate judges.

Resolved by the General Assembly of the State of Ohio, That the auditor of state be directed to inquire of the probate judges of the several counties of the state—1st. What number of incurable insane are now provided for at the public expense, in their respective counties; 2d. Where the said insane are kept, and in what manner.

Resolved, That from the reports so obtained from the several probate judges, the auditor of state be directed to prepare an abstract for the use of the general assembly.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 10, 1866.

JOINT RESOLUTION,

Instructing the auditor of state to pay a draft in favor of W. W. Wythes, late superintendent of the Northern Ohio lunatic asylum.

WHEREAS, The auditor of state has refused to pay the salary of Dr. W. W. Wythes, late superintendent of the Northern Ohio lunatic asylum, on the ground that, when appointed to said position, he did not possess the qualifications of an elector of this state, and was therefore ineligible; and,

WHEREAS, The said W. W. Wythes was duly appointed superintendent of said asylum by the board of trustees, and discharged his duties under said appointment for the period of nine months; and,

WHEREAS, The steward of said asylum has paid the sum of five hundred dollars to the said Wythes from the current expense fund; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the auditor of state be instructed to pay from the money heretofore appropriated for that purpose the draft of the steward of said asylum, approved by the superintendent and two of the trustees, for the sum of seven hundred and fifty dollars—five hundred dollars of said sum to be applied for the reimbursement of the current expense fund, and two hundred and fifty dollars for the payment in full of the salary of Dr. W. W. Wythes.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 10, 1866.

JOINT RESOLUTION,

Relative to the removal [of the remains] of seven United States soldiers from Atlanta.

Resolved by the General Assembly of the State of Ohio, That the communication of L. L. Parker, captain 150th Illinois volunteers, and provost marshal at Atlanta, Ga., to the governor, in reference to the remains of seven Ohio soldiers hung and buried by the rebels at that place, be returned to the governor, with the request that he will, in the name of the state, ask Brig.-General Donaldson, chief Q. M. military division of the Tennessee, to cause the remains of said soldiers to be removed to, and interred in, the cemetery for U. S. soldiers at Chattanooga, or Murfreesboro', Tenn., and have their graves plainly marked with the name, company, regiment, service, and manner of death of each man.

Resolved, That the governor be requested to inform the friends of said soldiers of the place of their final interment, and to send them copies of these resolutions.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 10, 1866.

JOINT RESOLUTION,

Relative to procuring a suitable device for the great seal of the state.

Resolved by the General Assembly of the State of Ohio, That so much of the annual report of the secretary of state as pertains to the procuring of a suitable device for the great seal of the state, the supreme court, and other courts, be referred to the standing committees of the house and senate on public printing, [and that they] be instructed to confer upon and report by bill, or otherwise, such legislation as they may deem necessary as to the great seal of the state, and the devices thereof.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 13, 1866.

JOINT RESOLUTION,

Relative to the excise on cigars.

WHEREAS, By enactment of the congress of the last session, the excise upon cigars is levied at the uniform rate of ten dollars per thousand; and, whereas, this rule compels Ohio seed leaf—worth in the market ten cents per pound—to pay a tax of four hundred and fifty per cent. ad valorem, while Connecticut tobacco, the market price of which is twenty cents per pound, pays only two hundred and twenty-five per cent., and imported Havana tobacco, rated at one dollar and fifty cents per pound, pays only thirty-three per cent.; and, whereas, this discrimination against the product of Ohio and other western states has cut off the demand for, and if continued is likely to put a stop to, the growing of tobacco in these states; and, whereas, this rule levies the heaviest per cent. of taxation on that kind of tobacco mainly used by the class least able to pay, and touches but lightly the high-priced luxury of the richer class; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the present rule of assessing the internal revenue on cigars is unequal, unjust, and oppressive to the agricultural interests of this state; and that our senators and representatives in congress be and are hereby earnestly requested to use their influence to secure such a change in the law as shall levy the tax ad valorem, or such other modification as in their judgment will remove the objection herein urged against the present law.

Resolved, That the governor be requested to forward a copy of the foregoing preamble and resolution to each of our representatives in congress.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 13, 1866.

JOINT RESOLUTION,

Relative to the claim of Jacob Young, a private of the 41st Regt. O. V. V. I.

WHEREAS, L. R. Brownell, pay agent for the state of Ohio, who lately deceased at New Orleans, did issue his receipt as such agent to Jacob Young, a private in Co. K, 41st regiment Ohio volunteer infantry, for the sum of one hundred and sixty dollars, to be paid through the state and county treasurers of Ohio, to the holder of said receipt on presentation; and, whereas, payment of said receipt is refused for the reason that said money was never paid into the treasury of the state (as is claimed) by the said Brownell, agent; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the governor be and hereby is authorized and requested to pay out of his contingent fund the receipt, No. 29, dated June 27th, 1865, for one hundred and sixty dollars, in favor of Jacob Young, Co. K, 41st Regt. O. V. I., signed by L. R. Brownell, agent.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate

February 16, 1866.

JOINT RESOLUTION,

Relative to the increase of the regular army, and recommending the appointment of competent volunteer officers to positions in the regular army.

WHEREAS, The officers of the late volunteer army of the United States have rendered themselves conspicuous, during the late war, for gallantry, energy, and military talent; and, whereas, the practical knowledge of military affairs, acquired during their term of service, amply fits them for duty in the army of the United States, and believing that a fair recognition of their service and capacity is due them from the government; therefore,

Resolved by the General Assembly of the State of Ohio, That the provisions contained in sections three and four of amended senate bill 67, reported by Mr. Wilson, from committee on Military Affairs, providing for the appointment of officers to fill vacancies, already existing, and appointments in any increase of the regular army, meets our hearty approval.

Resolved, That our senators and representatives be and they are hereby requested to use all proper means to secure the incorporation of such provisions into any law regulating or reorganizing the regular army.

Resolved, That the governor be requested to furnish each of our senators and representatives with a copy of these resolutions.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

JOINT RESOLUTION

Relative to the claim of George Roe.

Be it resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby instructed to investigate and examine into the claim of George Roe against the state of Ohio, for damages sustained by him in the running of the Muskingum improvement through his premises, located in the city of Zanesville, Ohio; and that said board report the result of such investigation, as to the nature and amount of such damages, if any, to this general assembly at its next session.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 19, 1866.

JOINT RESOLUTION,

Relative to repairing fence around public square.

Resolved by the General Assembly of the State of Ohio, That the superintendent of public buildings be and he is hereby authorized to have the

wooden fence inclosing the east half of the public square, repaired at an expense not to exceed two hundred dollars; also to purchase two large national flags for use on capitol building at a cost not to exceed one hundred dollars; and to have the desks of members of senate and house of representatives covered, and chairs repaired, where necessary, at an expense not to exceed three hundred and fifty dollars.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 21, 1866.

JOINT RESOLUTION,

Relative to an adjournment of the general assembly.

Resolved by the General Assembly of the State of Ohio, That when the two houses adjourn this evening, February 21, it be until two and a half o'clock on Tuesday 27th inst.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

February 21, 1866.

JOINT RESOLUTION,

Relative to the payment of the messenger boys of the senate and house of representatives.

Resolved by the General Assembly of the State of Ohio, That the messenger boys of the senate and house of representatives be paid two dollars per day, respectively, for services during the present session of the legislature.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed February 28, 1866.

JOINT RESOLUTION,

Relative to purchasing a bridge across the Muskingum river at Zanesville, Ohio.

Resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby instructed to enter into negotiations with the stockholders of the toll-bridge across the Muskingum river on the line of the National Road at Zanesville, Ohio, and report to the next session of the general assembly,

First. The price and terms of payment upon which said bridge may be purchased.

Second. The propriety of purchasing said bridge and holding it, as a toll-bridge, until the receipts from the bridge and road shall be sufficient to pay for said bridge, with the view of then making it free.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 2, 1866.

JOINT RESOLUTION,

Relative to the state militia system.

Resolved by the General Assembly of the State of Ohio, That the committees of the two houses on Military Affairs, be and are hereby instructed to report a bill repealing all military laws now in force, and providing only for the following objects:

1st. The enrollment and organization of the militia of this state, but requiring no military duty in time of peace, except when called upon by the civil authorities to aid in enforcing the laws.

2d. That the state may authorize and provide for the organization of independent companies and furnish them, under suitable requisitions, with arms and accoutrements.

3d. That the quartermaster-general be authorized and required to collect in such quantities, and at such times as he shall deem proper, the arms, accoutrements and ammunition now belonging to the state, and sell such as are of no service to the state.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

JOINT RESOLUTION,

Relative to increasing the duty on imported wools.

WHEREAS, Sound policy dictates that every independent government should develop to the fullest extent all its industrial resources, and not be dependent upon any other government, whether foreign or adjacent, for any industrial productions; and, whereas, under many foreign governments population have become so dense as to reduce the price of labor to a minimum standard, and therefore enabled to compete successfully in the United States market on almost all descriptions of manufactured articles, and especially clothing; and, whereas, American manufacturers of clothing materials are never offered in American markets for a sum, or at a rate less than the invoice price of foreign manufactures of the same quality, and the custom dues or duty added; and, whereas, wool growing is an industrial pursuit, requiring a large capital, great experience, skill and care, and as the statutes at large now stand, the American wool growers are compelled to compete with countries where lands are of a nominal value only, and the price of labor at a reduced minimum; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators in the U. S. congress are respectfully instructed and our representatives requested, to secure the passage of such a law as shall secure to the American wool grower the same protection against foreign competition that is now insured to the manufacturer of either pure or mixed woolen goods.

Resolved, That the governor be directed to forward a copy of the above resolution to each of our senators and members of congress.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1866.

JOINT RESOLUTION,

Authorizing the board of public works to grant the right of way through a certain piece of ground, to the Marietta and Cincinnati railroad company.

Be it resolved by the General Assembly of the State of Ohio, That the board of public works are authorized to agree and contract with the Marietta and Cincinnati railroad company, to grant the right of way to said company over a tract of three and one-half acres, belonging to the state of Ohio, situate in Hamilton county, adjoining the Miami and Erie canal, in Mill Creek township, near Spring Grove cemetery, at such price as said board may deem just and reasonable; and when said contract shall have been made, the governor is authorized to make deed therefor to said company, upon the full payment of said price.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

JOINT RESOLUTION,

Relative to the adjournment of the general assembly.

Resolved by the General Assembly of the State of Ohio, That this general assembly will adjourn at nine o'clock A. M. on Friday, April 6th, 1866, to meet again at ten o'clock A. M. on Wednesday, the 2d day of January, 1867.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

JOINT RESOLUTION,

Relative to selling the coin in the state treasury.

Resolved by the General Assembly of the State of Ohio, That the treasurer of state is hereby authorized to sell the gold coin in the office of the state treasury, in lots or parcels to suit purchasers, at not less than the market price when sold; and that the premium received for the same be placed to the credit of the general revenue fund, and file with the auditor of state a bill of the sale thereof.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 20, 1866.

JOINT RESOLUTION,

Relative to printing the general laws.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and required to have the general laws of this session of the legislature printed by the state printer, under the existing contracts, as soon as possible after their enactment, in forms of sixteen pages; and that he cause five thousand copies of the same to be equally distributed among the members of the general assembly for their use—said copies to be furnished out of the twenty-five thousand copies directed to be printed by law.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

March 23, 1866.

JOINT RESOLUTION,

Tendering to the ministers of the gospel, of the city of Columbus, the free use of the state library.

Resolved by the General Assembly of the State of Ohio, That the free use of the state library be and is hereby tendered to the ministers of the gospel of the city of Columbus, for two years from the first Monday of January, 1866.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1866.

JOINT RESOLUTION,

Relative to printing the report of the commissioner of statistics.

Be it resolved by the General Assembly of the State of Ohio, That there be printed and bound in muslin, 5000 copies of the report of the commissioner of statistics, for the year 1865, in English, and one thousand copies in German, to be distributed as follows: For the use of the commissioner, one hundred copies; for the secretary of state, fifty copies; and for the state librarian, three hundred (300) copies; the remainder to be distributed among the members of the general assembly.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

JOINT RESOLUTION,

Relative to the distribution, by the secretary of state, of Ohio state reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be directed to send to each clerk of the court of common pleas of the counties of the state, to be kept in the office of said clerk for the use of the county, and delivered over to his successor in office, one copy of each volume of the Ohio state reports hereafter published; together with the 15th volume, just published, from any number that may be delivered to him for the use of the state.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 2, 1866.

JOINT RESOLUTION,

Approving and authorizing the printing of certain reports.

Resolved by the General Assembly of the State of Ohio, That it approves and authorizes the printing of 200 copies of the report made by the supervisor of printing for the year 1865, for his own use, and 300 copies for the use of the members of the general assembly; and also 500 copies of the report of the adjutant-general for the year 1865, for his own use, 300 copies for the general assembly, and 750 copies for general distribution; also 300 copies of the quartermaster-general's report for his own use, and 300 copies for the use of the general assembly; also 300 copies of the annual report of the officers of Longview asylum for their own use, 300 copies for the general assembly, and 750 copies for general distribution.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1866.

JOINT RESOLUTION,

Authorizing the secretary of state to deliver to the law library of Cincinnati, fifty copies of the laws hereafter published.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state shall be authorized to deliver to the Cincinnati law library, fifty copies of each volume of the general laws hereafter published, for use and exchange, so long as the use of said library shall be allowed to the judges or other officers of the state.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 4, 1866.

JOINT RESOLUTION,

Reassigning certain rooms in the state house.

Resolved by the General Assembly of the State of Ohio, That room No. 5, in the state house, be assigned to the exclusive use of the attorney-general; that room No. 12, be assigned to the exclusive use of the commissioner of soldiers' claims; and that room No. 76, be assigned to the superintendent of the state house.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

JOINT RESOLUTION,

Relative to selling the public arms of the state.

Resolved by the General Assembly of the State of Ohio, That when the arms, accoutrements and ammunition of the state, shall have been collected as contemplated by law, the adjutant-general, in consultation with the governor, shall proceed and sell at public or private sale, such portions of said arms, accoutrements and ammunition, as in their judgment may be for the best interest of the state.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

JOINT RESOLUTION,

Relative to the purchase of six hundred copies of Gholson and Okey's digest of the Ohio reports and the Ohio state reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to purchase of Robert Clarke & Co., of Cincinnati, for the use of the state, six hundred copies of the Ohio digest, being a digest of the twenty volumes of Ohio reports and fifteen volumes of the Ohio state reports, prepared by W. Y. Gholson and J. W. Okey, and now in press, at the price of seven dollars for each copy; provided, the same shall contain a good digest of the decisions in said reports, and shall be printed in good style, on good book paper, and bound in good law leather; and, provided further, that a copy of said digest shall be first presented to the attorney-general for examination, and he shall give a certificate, that said digest has been prepared, printed, and bound as above provided.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

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April 4, 1866.

JOINT RESOLUTION,

Relative to the printing of a list of unfinished business.

Resolved by the General Assembly of the State of Ohio, That the clerks of the house and senate, respectively, be and they are hereby required to make a list of all bills pending in their respective bodies at the close of the session, notice the stage in which said bills appear upon the journals, and that they cause to be published three hundred copies of the said list for the use of the general assembly, to be laid upon the table of members at the commencement of the adjourned session.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

JOINT RESOLUTION,

Relative to the restoration and honorable discharge of Col. John R. Bond.

WHEREAS, Col. John R. Bond, of the 111th Ohio volunteer infantry, in the month of July, 1864, while in command of the 2d brigade, 2d division, 23d army corps, was summarily dismissed the service without trial, for a supposed disrespect to governor John Brough; and,

WHEREAS, It has been satisfactorily shown, that the action of Governor Brough was predicated on a total misunderstanding of the merits of the case, arising from defective postal arrangements between the state executive department and the army in the field; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the secretary of war be requested to rescind the order discharging Col. Bond, and that he be honorably discharged and enabled to draw all pay and emoluments which may have accrued up to the date of the muster out of his regiment, and that the brevet rank of brigadier-general be conferred upon him for distinguished and well-attested gallantry on many hard-fought fields.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 5, 1866.

JOINT RESOLUTION,

Relative to the sale of turnpike and railroad stock.

WHEREAS, Under the provisions of the joint resolution of the general assembly of April 13, 1865, the stocks owned by the state in certain turnpike companies therein, were advertised and offered for sale by the commissioners of the sinking fund; and, whereas, certain of said stocks would not sell for the minimum price fixed by said joint resolution, and are still unsold; therefore,

Resolved, That the commissioners of the sinking fund be and they are

hereby authorized to sell all of said turnpike stocks that remain unsold as aforesaid, at such times, places and prices, and in such amounts as they may deem for the best interests of the state.

Resolved, That the commissioners of the sinking fund be and they are hereby authorized to sell all the stock owned by the state in the Sandusky, Dayton and Cincinnati; and the Sandusky, Mansfield and Newark railroad companies, or either of them, at such times, places, and prices, and in such amounts as they may deem for the best interests of the state: provided, that before any of said turnpike or railroad stocks shall be sold, at least thirty days notice shall be given in at least two of the daily papers of each of the cities of Cleveland, Columbus and Cincinnati, and in the county papers in the counties through which said turnpike and railroads may pass, of intention to sell said stocks, and inviting bids: and provided further, that before any contract for the sale of said railroad or turnpike stocks shall he binding upon the state, said commissioners shall obtain the consent of the governor thereto, in writing.

Resolved, That upon the sale of any of the stocks as aforesaid, said commissioners shall transfer the same to the purchaser, or purchasers, in due form.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to assigning rooms in the state house.

Resolved by the General Assembly of the State of Ohio, That room No. 41, in the state house, being the room heretofore assigned to the quartermaster-general, is hereby assigned to the use and occupancy of the adjutant-general.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to printing certain reports therein named.

Be it resolved by the General Assembly of the State of Ohio, That there be printed of the report of the commissioner of immigration, three hundred (300) copies in the English language, and two thousand (2000) copies in the German language; and of the report of the auditor of state, two thousand (2000) copies in the German language.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to selling certain books in state library.

Resolved by the General Assembly of the State of Ohio, That the librarian is hereby authorized to dispose of any duplicate volumes in the general or law library, not actually needed, either by sale, or in exchange for other works of value; and to make report of the same in his usual [annual] report.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to the Northern Ohio lunatic asylum.

Resolved by the General Assembly of the State of Ohio, That the trustees of the Northern Ohio lunatic asylum be and they are hereby authorized to purchase the two lots in the valley below, and adjoining the grounds of said asylum, if they can save a sufficient amount for such purchase out of the appropriation for current expenses of the institution for the present year.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to exemptions from taxation.

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to procure, if possible, such modification of the laws of congress, now in force, as shall clearly leave subject to state taxation national currency; and all other obligations and securities of the United States, not exempted from such taxation by a subsisting contract with the holders thereof.

2d. *Resolved*, That the governor be and he is hereby requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress, to the secretary of the treasury, and to the comptroller of the currency of the United States.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

JOINT RESOLUTION,

Relative to the Ohio penitentiary.

Resolved by the General Assembly of the State of Ohio, That the warden and directors of the Ohio penitentiary be and they are hereby required to inquire into and investigate the causes of the excess of the annual expenditures of the institution, over and above its current receipts; the practicability of making the same a self-sustaining institution, without impairing its efficiency, and what legislation, if any, is necessary to effect that object; and to report the result of their investigation to the adjourned session of this general assembly.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 6, 1866.

OFFICE OF SECRETARY OF STATE,
Columbus, May 1, 1866.

I hereby certify that the foregoing General and Local Laws, and Joint Resolutions, are correctly copied from the original rolls on file in this office.

WM. HENRY SMITH,
Secretary of State.

TIMES OF HOLDING COURTS

IN OHIO, FOR 1866.

OFFICE OF THE SECRETARY OF STATE,
Columbus, O., May 1st, 1866.

I certify that the following list of the times of holding the District Courts, and Courts of Common Pleas, in the State of Ohio, for the year 1866, is correctly compiled from the returns made to this office.

WM. HENRY SMITH,
Secretary of State.

FIRST DISTRICT.

District Court.

Hamilton County, April 16, October 1.

Common Pleas.

Hamilton, January 1, June 4, November 5.

SECOND DISTRICT.

District Court.

Darke, April 23; Preble, April 26; Butler, April 30; Montgomery, May 7; Miami, May 9; Champaign, May 10; Clarke, May 14; Greene, May 17; Warren, May 24; Clinton, May 28.

Common Pleas.

Butler, February 5, June 4, September 24.
Preble, March 12, June 18, October 29.
Darke, April 2, August 20, November 19.
Champaign, April 2, June 25, December 3.
Miami, February 5, June 4, October 1.
Montgomery, April 2, June 11, December 3.
Greene, February 5, June 4, October 1.
Warren, February 5, June 4, October 1.
Clinton, March 6, July 17, November 6.
Clarke, March 6, July 17, November 6.

THIRD DISTRICT.

District Court.

Logan, August 29; Hardin, August 28; Marion, August 31; Union, September 3; Crawford, August 23; Wyandot, August 24; Seneca, August 25; Hancock, August 22; Allen, September 8; Auglaize, September 6; Shelby, September 4; Mercer, September 7; Van Wert, September 10;

Paulding, August 20; Defiance, August 18; Henry, August 17; Fulton, August 15; Williams, August 14; Wood, August 16; Putnam, September 11.

Common Pleas.

Union, February 12, May 7, October 29.
Hardin, January 15, April 9, October 1.
Marion, January 2, March 26, September 17.
Logan, February 26, May 21, November 12.
Shelby, January 29, April 23, October 15.
Auglaize, February 6, April 3, September 25.
Allen, February 13, April 10, October 2.
Mercer, February 27, April 17, October 16.
Van Wert, March 20, May 1, November 6.
Putnam, March 6, April 24, October 23.
Paulding, February 6, June 19, October 10.
Defiance, January 29, April 30, October 1.
Henry, February 13, May 8, October 16.
Fulton, February 20, May 15, October 23.
Williams, March 6, May 29, October 30.
Wood, March 20, June 5, November 13.
Seneca, March 20, June 19, November 20.
Hancock, January 30, May 29, October 1.
Wyandot, February 13, June 5, October 16.
Crawford, February 27, June 12, October 30.

FOURTH DISTRICT.

District Court.

Erie, April 23; Huron, April 30; Lucas, April 16; Sandusky, April 20; Ottawa, April 26; Lorain, August 27; Medina, August 29; Summit, August 31; Cuyahoga, September 6.

Common Pleas.

Erie, February 5, May 14, October 1.
Huron, February 26, June 12, November 12.
Lucas, February 19, May 21, October 15.
Sandusky, February 5, May 7, October 1.
Ottawa, March 20, June 5, October 30.
Lorain, February 27, June 5, November 13.
Medina, February 20, May 22, October 30.
Summit, February 6, May 8, October 16.
Cuyahoga, February 12, May 14, November 12.

FIFTH DISTRICT.

District Court.

Madison, May 4; Franklin, May 5; Pickaway, May 10; Fayette, May 15; Ross, September 20; Adams, September 25; Brown, September 27; Clermont, October 1; Highland, October 4.

Common Pleas.

Brown, March 13, June 12, November 6.
Adams, February 28, May 29, October 23.
Clermont, March 27, July 2, November 20.
Ross, March 19, June 18, November 5.

Highland, February 20, May 22, October 23.
Fayette, March 6, June 5, October 10.
Madison, February 19, May 21, December 10.
Franklin, March 5, May 29, October 10.
Pickaway, April 9, July 5, November 19.

SIXTH DISTRICT.

District Court.

Holmes, June 5; Wayne, June 6; Ashland, June 8; Richland, June 9; Morrow, June 13; Delaware, June 14; Knox, June 18; Licking, June 20; Coshocton, June 30.

Common Pleas.

Holmes, February 6, May 15, November 6.
Wayne, February 20, August 7, November 20.
Coshocton, March 12, August 20, December 10.
Morrow, February 12, April 23, October 15.
Ashland, February 26, July 30, November 5.
Richland, March 12, August 13, November 19.
Knox, March 20, August 21, November 13.
Licking, February 27, May 1, October 16.
Delaware, February 12, April 9, September 24.

SEVENTH DISTRICT.

District Court.

Washington, April 12; Meigs, April 16; Gallia, April 18; Lawrence, April 20; Scioto, April 23; Pike, April 25; Perry, September 4; Fairfield, September 6; Hocking, September 10; Athens, September 13; Vinton, September 17; Jackson, September 19.

Common Pleas.

Hocking, February 20, May 15, October 2.
Perry, March 12, May 21, October 15.
Fairfield, March 26, June 4, November 5.
Lawrence, February 13, May 15, September 25.
Vinton, February 13, May 15, September 25.
Jackson, February 27, May 29, October 16.
Pike, March 13, June 12, October 30.
Scioto, March 20, June 19, November 6.
Washington, March 16, June 11, October 22.
Athens, April 2, June 25, November 7.
Meigs, February 28, May 28, October 8.
Gallia, February 19, May 21, October 1.

EIGHTH DISTRICT.

District Court.

Muskingum, September 3; Morgan, September 6; Noble, September 8; Monroe, September 10; Belmont, September 12; Guernsey, September 14; Tuscarawas, September 17; Harrison, September 19; Jefferson, September 20.

Common Pleas.

Muskingum, February 5, May 7, October 15.
Morgan, March 6, June 5, November 13.
Noble, April 3, June 12, October 10.
Guernsey, February 6, May 7, October 22.
Monroe, February 20, May 21, October 15.
Belmont, February 27, May 28, November 6.
Harrison, February 5, May 7, October 15.
Tuscarawas, February 19, May 21, October 29.
Jefferson, March 5, June 4, November 12.

NINTH DISTRICT.

District Court.

Stark, September 4; Carroll, September 7; Columbiana, September 10; Mahoning, September 12; Trumbull, April 5; Portage, April 3; Lake, April 10; Geauga, April 11; Ashtabula, April 13.

Common Pleas.

Carroll, January 9, April 24, September 18.
Stark, February 12, May 21, October 29.
Columbiana, January 22, May 7, September 24.
Mahoning, January 15, April 16, October 15.
Portage, January 30, May 1, October 29.
Trumbull, February 12, May 14, September 17.
Lake, January 22, April 30, September 24.
Geauga, January 8, April 16, August 20.
Ashtabula, February 5, May 14, October 15.

APPENDIX.

CHANGES IN PRIOR LAWS, MADE SINCE JANUARY 1, 1861.

This table points out the changes, additions, repeals, &c., made by express reference to prior laws, from January 1, 1861, to May 1, 1865. The first left-hand column expresses the chapter or page of the act affected; the second the section of the law; the third the subject of the law; and the right-hand figures the volume and page of the session laws by which the change was made. The letter *r.* means repealed; *s. r.* supplied by a new act and repealed; *a.* amended; *supp.* supplemental act; 58 *L.* 95, is a contraction for Vol. 58 Ohio Laws, page 95, &c.

CHASE'S STATUTES.

Page.	Subject.
1522	Salt reservations, 58 L. 33.
2005	National road, r., 58 L. 146.

CURWEN'S REVISED STATUTES.

Chap.	Sec.	Subject.
13		Contempts of court, a., 59 L. 31.
16		Dealing with convicts, s. r., 60 L. 43.
28		Poor, r., 62 L. 29.
34		Deaf and dumb asylum—act of March 3, 1834—relative to, s. r., 63 L. 119.
56	6, 7, 8, 9, 10, 11, 12, 20, 21, 23, 24, 25.	Punishment of crimes, s. r., 60 L. 43.
62		Line fences, 58 L. 43.
68		Crimes—treason, 58 L. 110.
—	12	Arson, a., 60 L. 85.
—	17	Criminal costs, 59 L. 49; 60 L. 66; 62 L. 77.
—	18	Crimes—grand larceny, 58 L. 76; 60 L. 20.
68	19	Larceny, 60 L. 20.
	22	Crimes—forgery, s. r., 62 L. 60.
	36	Crimes—abetting, s. r., 61 L. 53.
		Criminal law, statement of ownership, 61 L. 54.
83		Costs, stamps or process and sheriff's deed, 60 L. 74.
90		Abduction of citizens, s. r., 60 L. 72.
103		County recorders, s. r., 61 L. 28.
108		Turnpikes, r., 59 L. 58.
130		County treasurers' fees, r. 58 L. 111.
135	1	Sheriff's fees, s. r. 62 L. 146.
149		Security for criminal costs, 58 L. 68.
	19	Recognizances, 59 L. 6.
	23, 24, 26, 27.	Criminal costs, r., 61 L. 23.

Chap.	Sec.	Subject.
	31, 27	Recognizances, 59, L. 6, 80.
150		Surplus revenue, 59 L. 59.
152		Dower, insane wife, 61 L. 99; 60 L. 24.
		Dower, insane husband, 59 L. 55.
190		Blind asylum—regulation for government of, s. r., 63 L. 173.
216		Fees of county auditor, s. r., 58 L. 8.
262		Indexing records, fees, s. r., 60 L. 114.
263	3	Jury fees, s. r., 59 L. 63.
272	1	Embezzlement by clerks, s. r. 61 L. 54.
275	2, 3	Unclaimed costs, s. r., 58 L. 130.
280	1	Partition fences, 57 L. 8.
	7, 14	Fences, r., 62 L. 96.
301	3, 4	Water crafts, a., 61 L. 14.
306		Exemption from execution, property of militia, 58 L. 113; 59 L. 82.
319		Railroads—fences, 61 L. 105; 59 L. 34.
333	23	Water-power leases, rent a lien, 61 L. 55.
341	3, 13	Administration bond, s. r. 59 L. 98.
		——— trust estates, 62 L. 61.
	43	——— assets, 58 L. 45; 60 L. 67.
	71	——— sale of stocks, 60 L. 95.
349		Elections—marking tickets, 58 L. 65.
360	3	Criminal costs, r., 59 L. 6.
361		Insurance companies, place of office, 59 L. 42.
398		Poor, r., 62 L. 29.
406		Security for criminal costs, 58 L. 68.
421		Dower, supp. 60 L. 10.
448		Blind asylum—act of March 11, 1843, s. r., 63 L. 173.
454		Ministerial rents, 61 L. 74.
460		Jail fees, 59 L. 56.
465		National road, r., 58 L. 146.
472		Census, s. r, 50 L. 65.
479		Deaf and dumb asylum—act of February 3, 1844, s. r., 63 L. 119.
517	1	Separate trials, criminal cases, 61 L. 40.
553		Poor, r., 62 L. 29.
558	25	State bank, receiver, 59 L. 64.
581	1	Meridian, lines of to be established, s. r., 63 L. 11.
581	1	Lines of meridian at county seats, s. r. 63 L. 11.
584		Poor, r., 62 L. 29.
590		National road, r., 58 L. 146.
599		Poor, r., 62 L. 29.
601	5	Tolls, s. r., 62 L. 56.
616		Trees and fruit, s. r., 59 L. 28, 79.
622	1	Attorneys to receive no fees for pardons, r., 63 L. 86, 61.
622	3	—— punishment for receiving fees for pardons, r., 63 L. 86, 61.
647	11, 14, 15	Limited partnerships, s. r., 62 L. 182.
655		Manufacturing companies, reduction of stock, 60 L. 60.
659		Trees and fruit, s. r., 59 L. 28, 79.
668		Weights and measures, 58 L. 81, 90.

Chap.	Sec.	Subject.
——		Weights and measures, Divelle's hydrometer, 62 L. 182.
671	2	Chattel mortgages, 60 L. 77.
674		Clerks of courts, r., 61 L. 4.
683	3, 6	State board of agriculture, s. r., 58 L. 22.
685		Married women's act, s. r., 58 L. 55.
686	1	Opening inclosures, s. r., 60 L. 85.
692		National road, r., 58 L. 146.
699	1	Deaf and dumb asylum, 62 L. 110.
699		——— act of March 2, 1846, s. r., 63 L. 117.
699		Blind asylum—act of March 2, 1846, s. r., 63 L. 173.
738		Married women's act, s. r., 58 L. 55.
750		Telegraph operators, 58 L. 104.
757		State agricultural fund, 61 L. 130.
777		Teacher's instituies, 58 L. 61.
814	1, 2, 3	Peddlers, s. r., 59 L. 67.
818	1	Stone coal, bushel weight, 61 L. 107.
833		Election of presidential electors, r., 61 L. 84.
844		Town halls, 61 L. 59; 58 L. 55.
845		False weights, 58 L. 81.
853		Trees and fruits, s. r., 59 L. 28.
862		State bank, mode of taxing, 58 L. 60.
867		Cemetery trustees may buy additional grounds, suppl. 63 L. 88.
867	1	Cemetery associations, s. r., 63 L. 34.
867		Soldiers' monuments, 62 L. 44.
873		Akron school law, 62 L. 39: 58 L. 90.
874	1	Akron school law, s. r. 59 L. 75.
882	2	Slackwater coal boats, 58 L. 103.
898		Public schools in cities, 62 L. 39.
——		Boards of education, expenses, 58 L. 56.
——	12	Public schools, s. r., 58 L. 26.
907		Trustees for foreign minors, s. r., 59 L. 61.
987		Public schools in cities, 62 L. 39.
992		Roads and drains, suppl., 60 L. 63.
996	2	Suits against railroad companies, where brought, s. r., 63 L. 63.
996	3	Upon whom service may be made, s. r., 63 L. 63.
1013	1, 2, 3	Settlements by county officers, s. r., 58 L. 69.
1068	41	Free banks, s. r., 62 L. 51.
1094		Census, s. r., 60 L. 65.
1095		Blind asylum, act of March 11, 1851, s. r., 63 L. 173.
1135	4	Clerks of common pleas, 58 L. 13.
1142		Pay of General Assembly, r., 59 L. 115.
1144	5	Fees, post mortem, s. r., 58 L. 30.
1148	1	Railroad tracks must be of uniform gauge, s. r., 63 L. 88.
1152		Colleges, trustees, 62, L 184.
——		——— 58 L. 20.
1157		School lands, extended to ministerial lands, 58 L. 28.
——	2	——— surrender of leases, 58 L. 39.
——		——— sale of, etc,, suppl., 63 L. 129.
1167		Wolf scalp, bounties, r., 59 L. 107.
1168		Blind asylum, act of April 28, 1852, s. r., 63 L. 173.

Chap.	Sec.	Subject.
1168		Deaf and dumb asylum, act of April 28, 1852, s. r., 63 L. 120.
1171		App. of private property, 61 L. 53; 62 L. 54, 73, 85, 101.
1178		Pay of clerks of general assembly, r., 59 L. 115.
1179	4, 5, 6	Prosecuting attorney, s, r. 59 L. 77; 62 L. 173.
1182	1	Salary of board of public works, a., 59 L. 48.
——		Salaries of officers, s. r., 62 L. 9.
1184		Cities—may buy fuel, 61 L. 13.
——		—— school buildings, 61 L. 5.
——		—— cemeteries, lands taken for, 62 L. 101.
——		—— borrowing, lands, taxes, 61 L. 72.
——		—— tax for schools, 61 L. 62.
——		—— second hand furniture joint shops, 61 L. 128.
——		—— funding debt, 61 L. 134.
——		—— wharves and landings, 60 L. 3.
——		—— sprinkling streets, 62 L. 180.
——		—— sewers, 60 L. 14; 62 L. 117.
——		—— pawnbrokers, 60 L. 16.
——		—— fire engines, 60 L. 68.
——		—— sidewalks, turnpikes, 62 L. 45.
——		—— village prison, disorderlies, 58 L. 77.
——		—— sinking fund, 58 L. 46.
——		—— supplemental act, 58, L. 23.
——		—— councils may provide for lighting, suppl. 63 L. 37.
——		—— who to perform labor on roads in, suppl., 63 L. 124.
——	78	—— workhouse in, suppl. 63 L. 30.
——	47	Incorporated villages, powers enlarged, 61 L. 131.
——		——— sec. s. r., 59 L. 23; 62 L. 113.
——	48	——— village recorder, 58 L. 6.
——	59	——— elections, 61 L. 50.
——		——— bounderies of wards, 60 L. 25.
——	61	Cities, power of council, s. r., 60 L. 4.
——	62	—— parks in second class cities, 62 L. 135.
——	68	—— justice acting for mayor, 58 L. 92.
——	69	—— sec. repealed, 59 L. 31, 69.
——	70	—— police judge, s. r., 59 L. 70.
——		—— sewers, suppl. 63 L. 144.
1184	83	Cities, justice acting as police judge, 59 L. 12.
——	91	—— floating debt, 62 L. 31; 58 L. 103, 26.
——	100	—— elections, 61 L. 50.
——	102	—— ordinances, s. r., 59 L. 55.
1196		Corporations, sale of stock, 60, L. 53.
——		——— railroad bonds and stock, 60 L. 71.
——		——— railroads, local freight, 60 L. 93.
——		——— dock building companies, 62 L. 48.
——		——— market companies, 58 L. 92.
——		——— sale of railroads, 58 L. 70.
——		——— railroads, rates of charges, 58 L. 74.
——		——— firemen's relief societies, 58 L. 37.
——		——— repeal of old charters, 58 L. 12.
——		——— street railroads, 58 L. 66.

CURWEN'S REVISED STATUTES.

Chap.	Sec.	Subject.
——		Corporations, agricultural, mechanical, industrial societies, 58 L. 13.
——		—— —— turnpikes, roads, mines, &c., 62 L. 86.
——		—— —— may hold land abroad, 62 L. 143.
——		—— —— ferries incorporated, 62 L. 114.
——		—— —— railroads, charters continued, 62 L. 168.
1196		—— —— railroads, relief of creditors, 62 L. 169.
——	4	—— —— railroads, construction of track, 62 L. 37.
——	5, 6, 7, 8	—— —— extended, 58 L. 92.
——	11	Railroads, change of location. 62 L. 36; 63 L. 141.
——	14, 21	—— —— in streets, 58 L. 66.
——	22	—— —— railroad consolidation, s. r., 60 L. 54.
——	23	—— —— in streets, 58 L. 66.
——	27	Turnpikes, &c., change of location, 62 L. 36.
——		—— —— sidewalks, 62 L. 45.
——		—— —— obstructions, 58 L. 43.
——	36	—— —— rates of toll, s. r., 61 L. 127.
——	37	—— —— evasion of tolls, 59 L. 101.
——	41	—— —— failure to repair, s. r., 61 L. 106; 59 L. 58—sec. 41, act of May 1, 1852, revived—63 L. 150.
——	44	Telegraph operators, 58 L. 104.
——	49	Water companies, 62 L. 86.
——	53	Gas companies, contract with city, 62 L. 96.
——	63	Manufacturing companies, 60 L. 60; 59 L. 45; 62 L. 134; 58 L. 58.
——	64	Telegraph companies, 62 L. 72.
——	66	Religious societies, partition, 62 L. 142.
——	63, 64, 65	Companies for building purposes, suppl., 63 L. 128.
——		Iron companies may manufacture steel, suppl., 63 L. 67.
——		Safe deposit companies may be organized, suppl., 63 L. 131.
——		Turnpike companies, suppl., 63 L. 187.
1197	56	Devise of property, how disposed of, s. r., 63 L. 47.
1198	1	Elections, s. r., 59 L. 39.
——	1, 20, 23, 36, 39,	Elections, s. r., 61 L. 70.
——		Elections, soldiers' votes, 60 L. 80.
1202	9, 19	Code, limit of actions, soldiers, 60 L. 5.
——	49	—— —— actions against railroads, s. r., 63 L. 87.
——	70	—— —— constructive service, 59 L. 38.
——	72	—— —— notice on revivor, 62 L. 40.
——	74	—— —— service by publication, personal judgment on, 61 L. 104.
——	85	—— —— prayer of petition, 61 L. 9.
——	175	—— —— affidavit in replevin, 59 L. 25.
——	191	—— —— attachment, 62 L. 10.
——	200	—— —— process against garnishee, 59 L. 28.
——	211	—— —— legal notices daily, 62 L. 66.
——	287	—— —— reference in vacation, 59 L. 66.
——	313	—— —— parties testifying, s. r., 61 L. 129; 58 L. 57.
——	314	—— —— who competent to testify, 63 L. 17.
——	340	—— —— depositions in the army, 60 L. 26.
——	344	—— —— depositions, notice, 58 L. 58.
——	374	—— —— foreclosure suits, 61 L. 13, 9.

Chap.	Sec.	Subject.
——	416	Code, revivor of justices' judgments, 62 L. 40.
——	420	—— judicial sale of water-power leases, 61 L. 55.
——	430	—— legal notices, daily, 62 L. 66.
——	436	—— legal notices in German papers, suppl., 63 L. 161
——	473	—— contempts of court, s. r., 59 L 48.
——	524	—— error proceedings, s. r., 59 L. 43.
——	525	—— stay of execution, 58 L 48.
——	543	—— security for costs, 58 L. 91.
1203		Probate court, money made on execution, 59 L. 76.
1203		Probate court, suppl., 62 L. 33.
——	7	Probate judge, s. r., 59 L. 19.
1204		Justice of peace, money made on execution, 59 L. 76.
——	28	Attachment before justices, 59 L. 17.
——	109	Offer to allow judgment, 62 L. 17.
——	103	Justices, judgment against claimant, 63 L. 42.
——	113	Appeals from justices of the peace, s. r., 63 L. 48.
——	136	Exceptions to ruling of justice, s. r., 63 L. 148.
——	136	Petition in error filed by leave of court, 63 L. 148.
——	140	Affidavit on attachment, 59 L. 32.
——	156, 164	Execution against sureties, 60 L. 70.
——	184	Constable's bond recorded, 62 L. 35.
——	206	Dockets, 58 L. 27.
——	217	Security for costs, 58 L. 3.
1210		County treasurer's fees, 58 L. 111.
1224	1	Roads, s. r., 62 L 98.
——	4	Roads, viewers, 58 L. 30.
——	7	——— s. r., 58 L. 19.
——	30	Township roads, 62 L. 35.
——	32	Roads, s. r., 58 L. 32.
——	35	Roads, s. r., 58 L. 33; 62 L. 98.
1234		Organization of general assembly, 62 L. 3.
——	7	——— s. r., 58 L. 18.
1237	2, 9	Roads, supervisors, s. r., 60 L. 73; 62 L. 88.
——	32	" " s. r., 62 L. 7.
1242		Ditches and water-courses, r., 58 L. 54.
1248		Cities, sewers, 60 L. 14; 63 L. 144.
——	1	—— taxes, r., 59 L. 75.
——	18	—— sewers, 62 L. 117.
1254		Laws in newspapers, 59 L. 12.
1260		Colleges, 58 L. 20.
1261		App. of private property, 61 L. 53.
1262	4	Turnpike companies, s. r., 63 L. 62.
1269		Colleges, trustees, 62 L. 184.
1270		Abandoned turnpikes and plank roads, 59 L. 26.
1271	11	Justice's bond recorded, 62 L. 35.
1276	4, 5, 6	Stationery, fuel for general assembly, s. r., 60 L. 12.
1281	3	Struck juries, s. r., 62 L. 105.
1284	11	County commissioners, bridges, 62 L. 65.
——		——— rewards offered by, 62 L. 4.
——		——— orphan asylums, 62 L. 97.
1287	22, 28, 29, 31, 40, 44, 46, 61,	Common schools, s. r., 61 L. 37.
——	22	Levies for school purposes, s. r., 63 L. 95.

Chap.	Sec.	Subject.
——	16, 24	S. r., 62 L. 62.
——	34	Clerk of school board, 59 L. 61.
——	45	S. r., 62 L. 64.
——		School sites, tax, 62 L. 39.
——		Boards of education, 59 L. 70.
——	57	Salary of school commissioner, s. r., 62 L. 166.
1294		Poor, r., 62 L. 29, 133.
1303		Townships, soldiers' monuments, 62 L. 47.
——	1	———— s. r., 62 L. 172.
——		———— taxes, cemeteries, 62 L. 42.
——	7	——— election of supervisor, 58 L. 123.
——	9	——— constable's bond recorded, 62 L. 35.
——	15	——— treasurer, trustees, 58 L. 90.
——	19	——— treasurer's bond recorded, 62 L. 35.
——	29	——— cemeteries, 62 L. 38.
——		——— trustees of, may convey real estate, 63 L. 103.
1305		Descent and distribution, 62 L. 32.
——	3, 4, 19	——— s. r., 59 L. 50.
1313	9	Habeas corpus, s. r., 60 L. 115.
1321	2, 5	Election of presidential electors, s. r., 61 L. 84.
——	1	——— r., 58 L. 21.
1322		Days of grace, 58 L. 41.
1326		Dower, insane husband, 59 L. 55.
——		——— insane wife, 62 L. 102.
——	9	——— proceedings for, 63 L. 34.
1331	8	Marriage certif's to be sent to probate judge, s.r., 63 L. 46.
1340		Census, s. r., 60 L. 65.
1343		Sheep at large, 62 L. 185.
1346		Professional jurors, 62 L. 144.
——	3	Trustees to select jurors, s. r., 63 L. 53.
——	8	Jurors—talesmen, s. r., 63 L. 57.
——	4	——— for common pleas, s. r., 59 L. 15.
1347	38	Trees, injuries to, 59 L. 79.
——	44	Selling lottery tickets, s. r., 59 L. 10.
1348	14	Counsel to poor prisoners, s. r., 59 L. 26.
——	13	Recognizances, 59 L. 6.
1351		Fees, returned to county auditor, 58 L. 28.
——	5	Recorder's fees, s. r., 62 L. 123.
1352		Partition of water power leases, 61 L. 55.
——		——— religious societies' lands, 62 L. 142.
1356		County treasurer, cities, 59 L. 69.
1360		County recorder, soldiers' discharges, 62 L. 59.
1362		Poor, r., 62 L. 29.
1364		County recorder, lease book, 62 L. 170.
1364	1, 3	County recorders, s. r., 61 L. 28.
——	4	Sec. s. r., 61 L. 55.
1365	1	Deeds, acknowledgment, 61 L. 3; 60 L. 26.
1370		County surveyor, term of office, 58 L. 40.
1373	1	Original surveyed townships, s. r., 59 L. 30.
1374	5	Deaf and dumb asylum, 63 L. 119.
——	7	——— admission of pupils from other states, 63 L. 119.

Chap.	Sec.	Subject.
1376	14	Gaming, property liable for, &c., s. r., 63 L. 163.
1379		Ferries incorporated, 62 L. 114.
1381	1	Inspectors, s. r., 58 L. 105.
1383	13	Distribution of ministerial rents, s. r., 61 L. 74.
1385	1	Sabbath breaking, s. r., 61 L. 104.
1397		County recorders, s, r. 61 L. 28.
1399*a*		County treasurer, fees, r., 58 L. 111.
1406	1	Privilege from arrest, a., 59 L. 6.
1428	1	Insurance companies, directors, a., 60 L. 75.
1431	1	Justices in cities, s. r., 58 L. 42.
1439		Cities, gas contracts, 62 L. 96.
1445	25	Salary of judge of S. C. of Cin'ti, s. r., 59 L. 47; 63 L. 28.
1446		Judge of 4th judicial district, r., 59 L. 52.
1448	1, 2	Ohio Reports, s. r., 60 L. 13; 62 L. 119.
1456	1, 2	Fees of justices and constables, 62 L. 89.
1460	9	Cattle in streets, 62 L. 185.
1463	1, 3	Cities, canals, ship channels, a., 61 L. 71.
1463	2	Water courses, improvement of, suppl. 63 L. 18.
1466		Laws in newspapers, 59 L. 12.
1467		Deaf and dumb asylum, act of Ap'l 29, '54, s. r., 63 L. 120.
1468		Cemeteries, 62 L. 38; 63 L. 44.
1468	29	——— trustees may purchase and improve, 63 L. 44.
1470	1	Cities, power of council, s. r., 60 L. 4.
1486		Road tax, extra, 62 L. 124; 63 L. 114.
1489		Ditches and water courses, r., 58 L. 54.
1494		Manufacturing companies, increase of stock, r., 62 L. 134.
1495	49	Actions against carriers, where brought, r., 63 L. 88.
1496		Probate court, suppl., 62 L. 33.
———	3	Probate court, appeals, 61 L. 14; 63 L. 26.
———	8	——— dockets, s. r., 60 L. 66.
1497		Blind asylum, act of May 1, 1854, s. r., 63 L. 173.
1503	3, 4, 5, 6,	Fees of clerk of common pleas, s. r., 59 L. 118.
———		Act repealed, 62 L. 151; 60 L. 9.
1504		State land office, suppl., 59 L. 43.
1506	1	Fire companies, 58 L. 131.
1517		Sale of liquor on election day, 61 L. 24.
———		——— near camps, 58 L. 139.
———		——— to minors and intoxicated persons, suppl., 63 L. 149.
———		Law charged to grand jury, 62 L. 36.
1529		Probate court, appeals, 61 L. 14; 63 L. 26.
1544		Process against garnishee, 59 L. 28.
1571		Powers of city councils to open streets, etc., 63 L. 42.
1572		Sewers in cities, suppl., 63 L. 144.
1572		Cities, 61 L. 132.
———		——— city engineer, &c., s. r., 60 L. 51.
———	4	——— auditors, 58 L. 39.
———	5, 6	——— s. r., 58 L. 25.
———	11	——— taxes, r., 59 L. 75.
1574	2	Dismissal of action, s. r., 59 L. 39.
1577	3	Justice acting for Mayor, 58 L. 92.
1580	1	Tares, weight of package, 62 L. 145.

Page.	Sec.	Subject.
1585	4	Foreign isurance companies, r., 61 L. 6.
——	8	Foreign life insurance companies—exception—r., 63 L. 60.
1586		Insane, expense of keeping, 62 L. 60.
——	3	—— boards, s. r., 6 L. 126.
——	19	—— patients, s. r., 59 L. 49.
——	47, 48	—— sale of land, completion of real contract, 60 L. 76.
——	50	—— foreign guardian, 62 L. 43.
——	67	—— salaries, 59 L. 81.
1578	3	Blind, deaf and dumb asylums, s. r., 59 L. 93.
——		Blind asylum, act of April 8, 1856, s. r., 63 L. 173.
——		Deaf and dumb asylum, act of April 8, 1856, s. r., 63 L. 120.
1594	1	——— s. r., 58 L. 15.
1601		Insurance companies, place of office, 59 L. 42.
1612		Agricultural fairs, swings, 58 L. 65.
1615		Insurance companies, place of office, 59 L. 42.
——	2, 9	——————— s. r., 62 L. 55; 63 L. 127.
——	11	Joint stock insurance companies, dividends, 61 L. 25.
——		—— insurance against accident, 62 L. 12.
——	4, 6, 7, 11	—— amended, 62 L. 180.
——		Repeal of statutes, effect of, 63 L. 22.
1617	7	County commissioners, finances, 58 L. 84; 63 L. 128.
——	8	County commissioners' pay, r., 59 L. 83.
——		County commissioners to let contracts on notice, 63 L. 32.
1619		Cuyahoga C. P. judge, r., 62 L. 66.
1627	14	Laws and journals, 58 L. 115.
——	8, 9, 10, 11	Laws and journals, s. r., 62 L. 154.
1631		Appraisement of private property, 61 L. 53.
1632	1	Cities, sale of lands of, 62 L. 135.
——	2	—— workhouse, house of refuge, 60 L. 44; 63 L. 30.
——	3	—— sewers, 62 L. 117.
——	4	—— streets, 62 L. 176.
——		Streets, grading or paving, suppl., 63 L. 133.
1635		Wolf scalp bounties, r., 59 L. 107.
1643		Public arms, 58 L. 75.
1666	1	Bounds of township, s. r., 62 L. 18.
1670		Inspectors, soap and candles, 58 L. 31.
1675		County commissioners, finances, s. r., 58 L. 84; 63 L. 128.
1683	3, 4	Hamilton county lunatic asylum, 58 L. 56.
1684	2	Appeals to district court, 58 L. 14.
1691	1	Hoop-pole law, s. r., 59 L. 44.
——		Trees, injuries to, 59 L. 79.
——		—— suppl., 62 L. 139.
1694	1	Nuisance, exposing carcass, offal, &c., s. r., 63 L. 102.
1697		S. C. of Franklin county, r. 62 L. 58.
1698		Virginia military school leases, 59 L. 35.
1700		Militia, s. r., 60 L. 112; 59 L. 88.
		—— enrollment, 58 L. 81.
		—— mustered into service, 58 L. 84.
		—— rapid organization of, 58 L. 95.
		—— bonds of officers, 58 L. 104.
		—— invasion, 58 L. 107.
		—— public arms, 58 L. 75.

Page.	Sec.	Subject.
		Militia, sutlers and storekeepers, 58 L. 122.
		—— uniform, 58 L. 134.
		—— staff and regimental officers, 58 L. 124.
1702	2, 4	Cities, parks, r., 58 L. 45; 59 L. 75.
1703		Days of grace, s. r., 58 L. 42.
1710		Fire companies, 58 L. 135.
1712		Cities, annexation, 59 L. 11.
1727	2	Malicious destruction, 62 L. 8.
1728		County tseasurer, fees, r., 58 L. 111.
1735		Poor, s. r., 62 L. 29.
1738	2	Birds, game, deer, repealed in part, 61 L. 107; 62 L. 43; 58 L. 125.
1742		Ditches and water-courses, r., 58 L. 54.
1743		Insurance company's office, 59 L. 42.
——	2, 5, 14	———— s. r., 62 L. 187.
——	15, 20	———— s. r., 59 L. 37.
1751		Nuisances, suppl., 62 L. 137.
1754	2, 3	Purity of elections, s. r., 61 L. 83.
——	6	———— s. r., 58 L. 17.
1755		Turnpikes in cities, 58 L. 113; 63 L. 187.
1758	4	Deeds for State lands, s. r., 58 L. 11.
1760		Houses of refuge, 60 L. 45; 62 L. 30; 59 L. 75.
1764		Jail fees, r., 59 L. 56.
1768		Virginia military school leases, 59 L. 35.
1770	1	Fish protected, s. r., 60 L. 7; 58 L. 135.
1774		Third judicial district, r., 59 L. 113.
1776	4	Asylum for idiots, s. r., 59 L. 81.
1781		Abandoned turnpikes, &c., 59 L. 26; 58 L. 5.
1786	9	Appeal from probate court, 63 L. 26.
1795		Records, s. r., 60 L. 50.
1797		Kidnapping—act of April 17, 1857, r., 63 L. 16.
1803		Rate of taxation, r., 59 L. 74.
1804	6, 8	Common schools, s. r., 61 L. 38.
1815		Rates of toll, s. r., 61 L. 127.
1817		Laws and journals, 62 L. 154.
1818	7	Notaries public—who eligible, 63 L. 162.
——	9	———— fees of, &c., 63 L. 162.
——		Appropriation of private property, 60 L. 34.
1819	2	Deputy clerk cannot practice law, 60 L. 21.
1832		Reform schools, 62 L. 30.
1834		Poor, s. r., 62 L. 29.
1835		Original surveyed townships, 59 L. 30.
1837		Legal advertisements in German, suppl., 63 L. 161.
1838		Ninth judicial district, 59 L. 52.
1839		Tenth judicial district, r., 59 L. 113.
1842		Sixth judicial district, r., 59 L. 52.
1845	13, 14, 16	State treasury, r., 61 L. 64; 60 L. 64.
1849	10	Guardian need not execute separate bonds, when, 63 L. 43.
1849	14	Guardian and ward, s. r., 61 L. 137.
——	22	——— sale of land, 59 L. 19; 62 L. 16.
1855		Fifth judicial district, 59 L. 52.
1857	1	City engineer, s. r., 60 L. 51.

CURWEN'S REVISED STATUTES.

Page.	Sec.	Subject.
——		Cities, sewers, 58 L. 57; 62 L. 117; 63 L. 144.
1862		Fourth judicial district, 59 L. 52.
1863		Fourth judicial district, 59 L. 113.
1866	25	County treasurers, fees, 58 L. 111.
1867		Second trials, surety, 58 L. 136.
——	11	Terms of courts fixed, s. r., 62 L. 13.
1868		Sinking fund, lost certificates, 61 L. 23.
——	23	Comptroller of treasury, s. r., 62 L. 46.
1869	14	Public revenue, s. r., 61 L. 64.
——	23	Repealed, in part, 62 L. 9.
1875	3	Salaries of supreme judges, 59 L. 11.
1880		Sewers in cities, 60 L. 14.
1883	3	Sureties of sheriff and county officers, 62 L. 69.
1884	1	Trading near camp meetings, s. r., 58 L. 91.
1888		School taxes, r., 59 L. 74.
1889		Jury fees, s. r. 62 L. 105
1890		Eighth judicial district, 59 L. 52.
1892		Railroads, stock increased, 60 L. 71.
1893		Poor, s. r., 62 L. 29.
1896		Statistics, township assessor, 61 L. 12; 59 L. 82.
1898		Militia, s. r., 60 L. 112.
1899		Road taxes, 59 L. 74; 59 L. 21.
	p. 3161	Probate court, local, 58 L. 112; 62 L. 142, 172; 59 L. 100; 63 L. 35.
1908	1	Platting fractions of land, 62 L. 14.
1915	1, 5	Real estate indexes, s. r. 59 L. 29.
1919		Salaries of judges, r. 58 L. 166.
1928	6	County treasurer, fees, 58 L. 111.
1931		Public arms, s. r., 60 L. 112; 58 L. 75.
1936		Insurance company's office, 59 L. 42.
1937	1	County commissioners' pay, r., 59 L. 83; 62 L. 107.
1938		Abstracts of legal notices, 60 L. 75.
1947		Religious societies, 62 L. 6.
1951	6	Cities, workhouse, s. r., 61 L. 10; 63 L. 33.
1957		Ditches and water courses, 58 L. 54; 59 L. 93.
1958		State arsenal, s. r., 60 L. 112.
1959		Insurance companies, 62 L. 187.
1960		Fences, railroads, 59 L. 34; 61 L. 105.
1963		Militia, s. r., 60 L. 112; 58 L. 83.
1966		Militia, s. r., 60 L. 112.
1971	6	Reform school, 63 L. 52.
1982	1	City officers elected, s. r., 59 L. 31.
1983		Foreclosure suits, 61 L. 13.
1984		Cities—vagrants, &c., 61 L. 57; 63 L. 49.
1988	1	Sale of ward's lands, 59 L. 19.
1990		Fees of county auditors, 58 L. 8.
1991		Professional jurors, 62 L. 144.
1994		Second trials, surety, 58 L. 136.
	4	———— 59 L. 99.
1997		Laws in newspapers. 59 L. 12.
2000	5	Half-yearly taxes, 58 L. 9.
2002		Records, indexes, 60 L. 50.

CURWEN'S REVISED STATUTES.

Page.	Sec.	Subject.
2006	4	Freight companies, s. r., 62 L. 77; 63 L. 27.
		——— suppl., 58 L. 18.
2009		Second judicial district, r., 59 L. 52.
2010		African voters, 62 L. 42.
2015	23, 48, 53,	County auditor, s. r. 59 L. 78.
2020		Sale of entailed estates, 61 L. 80; 62 L. 184.
2021	4	Census, s. r., 60 L. 65.
2021	7	Township assessors, s. r., 59 L. 13; 62 L. 41.
		——— may administer oaths, 58 L. 42.
2025		Road labor in towns, who to perform, s. r., 63 L. 126.
2027	3	County treasurer's fees, 59 L. 111.
2029	1	Weights and measures, s. r., 60 L. 21.
2031	3	Warrant of attorney to banks, r., 58 L. 48.
2034		Hamilton county lunatic asylum, 58 L. 156.
2035		Taxes, gift stores, 58 L. 134.
——		—— false returns, 58 L. 47.
——		—— express and telegraph companies, 59 L. 91.
——	3	—— exemptions, 61 L. 39.
——	6, 53	—— oath of lister, lien of tax, s. r., 59 L. 14: 58 L. 47.
——	4, 68	—— supplied, repealed, 62 L. 107.
——	12	—— manufacturer, 61 L. 82.
——	16	—— taxing railroads, 59 L. 90.
——		—— delinquent, how collected, suppl., 63 L. 43.
——	24, 29, 31, 39, 40, 41, 42, 44, 45,	s. r., 60 L. 60.
——	60, 68	Taxes—taxing banks, s. r. 58 L. 61.
——	79, 81, 84,	repealed, 59 L. 74.
——	101	Tax sales, notice, 59 L. 57.
——	92, 94	Redemption of bonds sold, s. r., 62 L. 113.
2036	56	Taxes—meeting of assessors, 62 L. 144.
2037		Sureties of administrator, 58 L. 46.
2040		Assignments, 58 L. 106, 26, 3.
2043	1, 2, 3, 4,	Terms of courts, s. r., 62 L. 13.
——	17	——— fraudulent, s. r., 60 L. 8.
2049	3370	Cleveland schools, 60 L. 131.
2064	p. 3373	Probate court, 59 L. 20; 58 L. 34; 59 L. 78.
		County treasurer's fees, 58 L. 111.
2068	1, 12, 14, 17,	Cities—Ferguson's bill, s. r., 59 L. 40, 74.
——	12	Cities, contracts limited, 62 L. 7.
——	15, 16	—— street railroads, 58 L. 67.
——		—— sewers, 58 L. 86.
2070	3	—— workhouse, r., 61 L. 10; 60 L. 44; 63 L. 33.
——		——— suppl., 63 L. 30.
2074		Estates tail sold, 62 L. 184.
2075	1, 2	Ohio reports, s. r., 62 L. 119.
2076	1	Costs in minor offenses, s. r., 59 L. 49.
2077		County bonds, suppl., 60 L. 23; 59 L. 42.
2087	1, 2, 3, 4,	State House, s. r., 58 L. 94; 59 L. 57.
2090	1	Jail, sustenance of prisoners, a., 61 L. 78.
2092		Rate of taxation, r., 59 L. 74.
2095		Cities, cemeteries, 62 L. 38.
2096		Townships, cemetery tax, r., 59 L. 74.
2096		Cities, cemeteries, 62 L. 38.

CURWEN'S REVISED STATUTES.

Page.	Sec.	Subject.
2101		Historical sites, taxes, r., 59 L. 74.
2105		Cities, sewers, 60 L. 6, 14.
		—— sewers, waterworks, r., 59 L. 74.
——	3	—— taxes, 59 L. 13.
2111	1	Ohio reports, 62 L. 119.
2117	1	Justice acting for mayor, 58 L. 92.
2118		Board of public works, 61 L. 78; 58 L. 105.
——	12, 13	———— salaries, records, 59 L. 37.
2120		State printing, 59 L. 86.
2122		Salary of state librarian, 62 L. 59.
2129		State printing, suppl., 59 L. 86.
2129	4	———— s. r., 61 L. 11; 63 L. 190.
——	11	———— failure to execute contract, s. r., 63 L. 191.
——	13	Binding for the state, s. r. 63 L. 191.
2130		Penitentiary, insane convicts, 61 L. 21.
——		———— s. r., 60 L. 43.
2134		Railroads, fences, 59 L. 34.
——	1	——— s. r., 60 L. 17.
2135		Probate court, 59 L. 78.
2136		Public debt, 59 L. 34; 62 L. 99.
2142	1	Railroads—claims for labor and materials, how collected, s. r., 63 L. 126.

SWAN & CRITCHFIELD'S REVISED STATUTES.

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
60	2	2	Actions—pending, not affected by repeal or amendment of statute, s. r.	22
1153	87	680	Advertisements—when to be published in German newspapers, suppl.	161
108	12	56	Agricultural Statistics—additional, to be collected by assessors, suppl.	67
60	2	2	Amendment—or repeal of statute, not to affect pending actions, s. r.	22
108	12	56	Assessors—to collect additional statistics, &c., suppl.	67
1218	91	3	Appeals—may be taken from probate court, s. r.	26
789	64	113	——— from justice of the peace, must be perfected in 30 days from rendition of judgment, s. r.	48
789	64	113	——— justice must transmit bill of particulars, and original papers, to clerk of court s. r.	48
94	12	8, 9, 10	Attorneys—act of 1846, relative to admission and practice of, r. 61,	86
1183	88	14	——— fees of, in certain criminal cases to be allowed by county commissioners, s. r.	6
1183	88	14	Auditors of County—not to audit attorney's fees in criminal cases until allowed by county commissioners, s. r.	6
108	12	56	——— to forward certain agricultural statistics to auditor of state, and state board of agriculture, suppl.	67
1320	99	1	——— may levy extra road tax in certain cases, s. r.	114
873	75	7	Bankers—shall not be appointed notaries public, s. r.	162
1204	89	13	Binding—act providing for the execution of, for the state, s. r.	191
187	16		Blind Asylum—general law relating to re-organization of	170
180 to 188	16	1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 23, 24, 25, 26, 27, 28, 29, 30, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, s. r.	——— laws relative to the regulation and government of	170 to 174
1527	117		Bonds—may be issued by certain cities of the second class, for improvement of watercourses, suppl.	18
1235	94	1	——— county com'rs, township trustees, &c., may issue other bonds for those due or to become due, s. r.	41
1353	102	22	Boards of Education—to make levies for school purposes, a.	95
1491	117		Bridges—providing for the lighting of, by cities and villages, suppl.	36

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
250	25	3	Bridges—destroyed by fire, flood, &c., may be rebuilt by county commissioners, without submitting to voters, s. r.	93
873	75	7	Brokers—cannot be appointed notaries public, s. r.	162
301	29	63, 64, 65	Buildings—companies may be organized for the erection of, suppl.	128
457*b*	34	1	——— unlawful to deface or injure, s. r.	175
1554	117	1	Burglars—power of city councils to punish, &c., suppl.	49
1183	88	14	Capital offenses—persons tried for, may be furnished counsel by the court, s. r.	6
1571	118	29	Cemeteries—township trustees may purchase and improve, s. r.	44
225	21	1	Cemetery Associations—not less than ten persons may organize, by electing trustees and clerk, s. r.	34
457*b*	34	1	Church Edifices—unlawful to deface or injure, s. r.	175
1527	117		Cities—certain, may improve water-courses, &c., suppl.	18
1491	117		——— councils of, may provide for lighting bridges in, suppl.	36
1545	117	4	——— certain powers extended to councils of, and incorporated villages, suppl.	42
1554	117	1	——— powers of councils of, to punish thieves, burglars, vagrants, &c., suppl.	49
1527	117		City Clerk—duties of, relative to improvement of water-courses in cities, suppl.	18
1493	117		City Councils—of cities of 100,000 inhabitants, may erect work-house, suppl.	30
1235	94	1	——— may issue other bonds, for those unpaid, and due or to become due, s. r.	41
1557	117	6	——— to erect city prisons in cities of first class, s. r.	33
339	29	218	——— may condemn turpikes terminating in cities, s. r.	187
1491	117		——— of cities of second class, may provide for lighting bridges, suppl.	36
1554	117	1	——— may provide for punishment of burglars, thieves, vagrants, &c., suppl.	49
1557	117	6	City Prison—may be erected in cities of first class, and be under direction of chief of police, s. r.	33
1173	87	1	Claims—collection of, against railroads for labor or materials, s. r.	126
225	21	1	Clerks—of cemetery associations, s. r.	34
856	72	8	Clergymen—marriages by, must be certified to probate judge, s. r.	46
1037	87	314	Code—amendment of section 314 of, who competent to testify, s. r.	17
960	87	49	——— amendment of section 49 of, action for injury to person or property by carrier, where brought, s. r.	87
1153	87	680	——— supplementary act, relative to publishing legal advertisements in German newspapers, s. r.	161

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
857	72	1	Commissioners of County—to establish lines of true meridian at county seats, s. r.	11
1235	94	1	——— may issue other bonds for those unpaid, and due or to become due, s. r.	41
250	25	2	——— duties of, in making purchases, contracts, &c., s. r.	32
334	29	4	——— may permit turnpike and plank-road companies to use roads, streets, &c., s. r.	61
250	25	3	——— may rebuild bridges destroyed by fire, or flood, without submitting it to legal voters, s. r.	93
250	25	3	——— not to make contracts exceeding $10,000, without submitting it to legal voters, s. r.	93
251	25	7	——— must make detailed statement of receipts and expenses, to court com. pleas, s. r.	128
1353	102	22	——— to make levy for school purposes, if boards of education fail to do so, a.	95
1438	114		——— duties of, in regard to collection of delinquent taxes, suppl.	43
1383	102	5	Commissioners—of reform schools, appointed by governor, &c., s. r.	52
320	29	133	Constable—to serve process on railroads in certain cases, s. r.	63
787	64	102	——— not to be liable for property in certain cases, s. r.	42
250	25	2	Contracts—by county commissioners, must be let to lowest bidder, in certain cases, s. r.	32
250	25	3	——— by county commissioners, exceeding $10,000, must be submitted to legal voters, s. r.	93
350	29	4	Corporations—certain powers extended to associations for carrying freight, s. r.	27
787	64	103	Costs—justices may render judgment for, against claimant in certain cases, s. r.	42
1182	88	14	Counsel—may be furnished by court to persons tried for capital offenses, s. r.	6
180	16		Deaf and Dumb Asylum—general law relating to the re-organization of	116
180 to 187	16	1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, s. r.	——— laws relative to the organization and government of	116 to 120
1438	114		Delinquent Taxes—how collected, and by whom, suppl.	43
251	25	7	Detailed Statement—to be made by county commissioners, to court of common pleas, s. r.	128
1493	117		Directors—of work-house, their duties, &c., suppl.	31
520	38	9	Dower—widow applying for, may file petition in common pleas or superior court, s. r.	33

Page.	Chap.	Sec.	Subject.	63 Laws PAGE
1431	113		Drunkards—unlawful to sell intoxicating liquors to, suppl.	149
457*b*	34	1	Dwelling-houses—penalty for injuring or defacing, s.r.	175
1037	87	314	Evidence—who competent to give, s. r.	17
794	64	136	Exceptions—to decisions of justices of the peace, in certain cases, s. r.	148
794	64	138	Executions—in certain cases may be stayed by filing petition in error, s. r.	5
672	51	10	Fees—of probate judge, for issuing letters of guardianship to guardian of several minor children, of same parentage, s. r.	43
873	75	9	——— of notaries public, s. r.	162
350	29	4	Freight Companies—may build and own vessels, and personal and real estate, s. r.	27
666	49	14	Gaming—real and personal property liable for property lost, s. r.	163
666	49	14	——— buildings used for, liable for money lost, in certain cases, s. r.	163
1153	87	680	German Newspapers—advertisements in, in certain cases, suppl.	161
672	51	10	Guardian and Ward—separate bond not required of several minors of same parentage, s. r.	43
301	29	63, 64, 65.	Hotels—companies may be organized for the building of, suppl.	128
457*b*	34	1	Injuries—to church edifices, dwellings, school-houses, &c., how punished, s. r.	175
334	29	4	Incorporated Companies—relative to right of way to turnpike and plank-road companies, s. r.	61
271	29		——— organized for the purpose of manufacturing iron, may also manufacture steel, supp.	67
362	29	9	——— defining powers of joint stock insurance companies, s. r.	127
301	29	63, 64, 65	——— for building hotels, tenement houses, &c., suppl.	28
271	29		——— for the safe keeping of valuables, in fire and burglar proof safes, supp.	131
297	29	41	——— revival of sec. 41, act of May 1, 1852, relative to keeping turnpikes in repair	150
271	29		——— relative to turnpikes terminating in cities, suppl.	187
297	29	41	Inspectors—of turnpike and plank-roads, to be appointed by justices of the peace, s. r.	150
741	59	8	Insurance Companies—section 8, act of 1856, relative to, r.	60
362	29	9	——— defining powers of joint stock, s. r.	127
1431	113		Intoxicating liquors—unlawful to sell to minors, or intoxicated persons, suppl.	149
391	32	25	Judges—of superior court of Cincinnati, revival of sec. 25, act of April 7, 1854, as to salary	28
1493	117		——— of court of common pleas, and superior court, to appoint directors of work-house, suppl.	31

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
751	62	3	Jurors—to be selected by township trustees, from those not exempt by law from serving as such, s. r.	53
752	62	8	——— names of, absent or sick, to be returned to box and drawn at subsequent time, s. r.	57
752	62	8	——— tales, may be summoned to fill pannel, s. r.	57
794	64	138	Justices of the Peace—duties of, when petition in error is filed, s. r.	5
757	64	103	——— may render judgment against claimant for costs in certain cases, s. r.	42
856	72	8	——— marriages by, must be certified to probate judge, s. r.	46
789	64	113	——— duties of, in cases of appeal, s. r.	48
320	29	2, 3	——— duties of, in issuing process against railroads, s. r.	63
794	64	136	——— exceptions to decisions of, in certain cases, s. r.	148
794	64	136	——— petition in error to modify or vacate judgment of, to be filed by leave of court, s. r.	148
297	29	41	——— duties of, when complaint is filed against turnpike or plank-road	150
418	33	1, 2, 3, 4, 5.	Kidnapping—act of April 7, 1857, to prevent, r.	16
418	33		——— how punished, s. r.	17
1153	87	680	Legal Advertisements—to be published in German newspapers, in certain cases, s. r.	161
1353	102	22	Levies—by boards of education, for school purposes, &c., a.	95
1431	113		Liquors—unlawful to sell intoxicating, to minors, or intoxicated persons, suppl.	149
271	29		Manufacturing—iron manufactories may also manufacture steel, by vote of stockholders, suppl.	67
856	72	8	Marriages—certificates of, must be transmitted to probate judge, and recorded, s. r.	46
1493	117		Mayor—of cities of first class, to be ex officio chairman of board of directors of work-house, suppl.	31
1493	117		——— to appoint policemen for work-house, suppl.	32
857	72	1	Meridian—lines of, to be established at county seats, s. r.	11
1431	113		Minors—unlawful to sell intoxicating liquors to, and penalty for, suppl.	149
418	33		Misdemeanors—to kidnap any person, s. r.	17
873	75	7	Notaries Public—who may be appointed, s. r.	162
873	75	9	——— fees of, s. r.	162
1153	87	680	Newspapers—advertisements in German, in certain cases, suppl.	161
879	76	1, 2	Nuisances—unlawful to deposit any dead animal, offal, &c., in any river, creek, street, road, &c., s. r.	102
1183	88	14	Prisoners—tried for capital offenses, may be furnished counsel by the court, s. r.	6
1202	89	4, 11	Printing—providing for execution of, for state, s. r.	190

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
1554	117	4	Prostitutes—power of city councils to punish, &c., suppl.	49
320	29	134	Process—manner of serving, on railroads, s. r.	63
1554	117	4	Pickpockets—power of city councils to punish, &c., suppl.	49
1218	91	3	Probate Court—appeals may be taken from, s. r.	26
1221	91		——— jurisdiction of, extended to Paulding and Putnam counties, a	35
856	72	8	Probate judge—to record marriage certificates, s. r.	46
334	29	4	Plank-roads—companies may take possession of streets, roads, &c., in certain cases, s. r.	62
297	29	41	——— revival of sec. 41, act of May 1, 1852, relative to	150
297	29	41	——— failure to keep in repair, forfeits right of toll	150
339	29	218	——— terminating in cities, may be condemned by council, s. r.	187
320	29	132	Railroads—suits against, may be brought in any township through which road passes, s. r.	63
320	29	134	——— upon whom process against, may be served, s. r.	63
960	87	49	——— actions against, for injury to person or property, where brought, s. r.	87
331	29	179	——— must make tracks of uniform gauge, s. r.	89
331	29	179	——— in order to uniformity of gauge, may lay third rail, s. r.	89
1173	87	1	——— claims against, for materials furnished, how collected, s. r.	126
277	29	11	——— may change grade, or location of track, s. r.	141
372	29	1, 2	Real Estate—belonging to religious societies, may be sold by trustees, s. r.	87
1565	118		——— may be conveyed in certain cases by township trustees, suppl.	103
60	2	2	Repeal—or amendment of statutes, not to affect pending actions, s. r.	22
372	29	1, 2	Religious Societies—may sell real estate by order of court, s. r.	87
1383	102	5	Reform Schools—commissioners of, to be appointed by the governor, s. r.	52
1383	102	5	——— salary of commissioners of, s. r.	52
251	25	7	Receipts and Expenditures—detailed statement of, to be made by county commissioners, s. r.	128
271	29		Safe-Deposit Companies—providing for the incorporation of, suppl.	131
391	32	25	Salaries—of judges of superior court of Cincinnati; sec. 25, act of April 7, 1854, revived	28
1339	100		Schools—funds derived from certain school lands to be invested for benefit of, suppl.	29
1353	102	22	School Purposes—rates of taxation for, a	95
457b	34	1	School-houses—unlawful to deface or injure, s. r.	175
1353	102	22	——— erection and repairing of, a	95

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
1492	117		Sewers—may be constructed by taxation in certain cities, &c., suppl.	144
752	62	8	Sheriffs—to summon talesmen when jury not full, s. r.	57
320	29	134	——— to serve process on railroad companies in certain cases, s. r.	63
108	12	56	Statistics—additional agricultural, to be collected by assessors, suppl.	67
60	2	2	Statutes—amendment or repeal of, not to affect pending actions, s. r.	22
794	64	138	Stay of Execution—in certain cases by filing petition in error, s. r.	5
1555	117		Streets—who may be required to work two days upon, in cities and villages, suppl.	124
334	29	4	——— may be taken possession of by turnpikes, &c., in certain cases, s. r.	62
1544	117		——— improvement of, in cities of the first class, suppl.	132
1554	117	1	Swindlers—power of city councils to punish, &c., suppl.	49
1438	114		Taxes—delinquent, how collected, suppl.	43
1353	102	22	——— for school and school-house purposes, a.	95
1320	99	1	——— extra, may be levied for road purposes in certain cases, s. r.	114
1544	117		——— may be assessed for improving streets or alleys, suppl.	132
1037	87	314	Testimony—who shall be competent to give, s. r.	17
1554	117	1	Thieves—power of city councils to punish, suppl.	49
108	12	56	Township Assessors—to collect additional agricultural statistics, &c., suppl.	67
1571	118	29	Township Trustees—may purchase and improve cemetery grounds, s. r.	44
1565	118		——— may convey certain real estate, suppl.	103
1235	94		——— may issue other bonds for those unpaid, and due or to become due, s. r.	41
751	62	3	——— to select jurors from those not exempt by law from serving as such, s. r.	53
1565	118		Trustees of Townships—may convey certain real estate, suppl.	103
1571	118	29	——— may purchase and improve cemetery grounds, s. r.	44
751	62	3	——— to select jurors from those not exempt by law from serving as such, s. r.	53
1235	94		——— may issue other bonds for those unpaid, and due or to become due, s. r.	41
225	21	1	Trustees—of cemetery associations, how elected, and term of office, s. r.	34
225	21		——— of cemeteries, may buy additional grounds, &c., suppl.	88
372	29	1, 2	——— of religious societies, may sell real estate by order of court, s. r.	87

SWAN & CRITCHFIELD'S REVISED STATUTES.

Page.	Chap.	Sec.	Subject.	63 Laws. PAGE
334	29	4	Turnpikes—when company may take possession of, and use streets, roads, alleys, &c., s. r...	61
297	29	41	——— revival of sec. 41, act of May 1, 1852, relative to	150
297	29	41	——— failure to keep in repair, forfeits right of toll	150
339	29	218	——— terminating in cities, may be condemned and used as streets, s. r.....	187
1554	117	1	Vagrants—power of city councils to punish, &c., suppl.	49
1527	117		Water-courses—bonds may be issued for improvement of, in certain cases, suppl.	18
1554	117	1	Watch-stuffers—power of city councils to punish, &c., suppl.	49
1037	87	314	Witness—who competent as, s. r.	17
1493	117		Work-house—may be erected in certain cities of the first class, suppl.....	31
794	64	138	Writ—when stayed, by filing petition in error, s. r.	17

REFERENCES TO LAWS AMENDED AND REPEALED SINCE 1860.

FIFTY-EIGHTH VOLUME LAWS—1861.

Page.	Sec.	Subject.
5		Abandoned turnpikes, &c., 59 L. 26.
7		County Auditors' fees, s. r., 59 L. 105.
25	3	Cities, floating debt, 58 L. 114.
33		Roads, s. r., 62 L. 98.
40		Township assessors, 62 L. 103.
45		Administration assets, s. r., 60 L. 67.
49		Ditches and drains, 61 L. 57; 59 L. 41.
54	1, 3	Property rights of married women, s. r., 63 L. 47.
55		Town halls, s. r., 61 L. 59; 59 L. 75.
57	1	Code, parties testifying, 61 L. 129.
67	5	Street railroad companies, s. r., 63 L. 55.
75		Public arms, r., 60 L. 113.
81		Militia, enrollment, r., 60 L. 113.
83		Militia, r., 60 L. 113.
84		Militia, r., 60 L. 84.
85	2, 3	Militia, r., 58 L. 96.
86	1, 2, 3, 4	Cities, r., 61 L. 27.
89	6	Defense of state, 61 L. 62.
94		State house, 59 L. 57.
95		Millitia, r., 59 L. 66.
103	1	Cities, floating debt, 62 L. 31.
107		Defense of state, 60 L. 107; 58 L 126; 59 L. 62.
110	1	County treasurers' fees, s. r., 58 L. 98.
113	1, 2	Militia, exemption from execution, s. r., 59 L. 22.
117		Lease of public works, 60 L. 44.
125	1, 2	Birds and game, 62 L. 43.
134		Uniform of militia, r., 60 L. 113.
135		Fish protected, 60 L. 7.
138		Rate of taxation, r., 59 L. 75.
140		National road, a., 62 L. 80.
151	4	Commercial hospital, s. r., 61 L. 142.
153	6	Longview Asylum, s. r., 63 L. 149.
——	7	——— annual meeting, s. r., 63 L. 149.
154		——— 62 L. 111.
165	3	Commissioners of Hamilton county, r., 59 L. 47.
173	1, 2, 3	Geese and ducks, r., 61 L. 55.

FIFTY-NINTH VOLUME LAWS—1862.

3		Suspension of specie payments, 61 L. 38.
7		Soldiers' pay, 62 L. 80.
11		Salaries of judges, r., 62 L. 9.
13	7	Township assessors, s. r., 62 L. 41.
22		Property of volunteers, exempt from ex., s. r., 63 L. 39
26	1	Turnpikes and plankroads, s. r., 63 L. 68.
——	14	Counsel to prisoner, how paid, s. r., 63 L. 6.,
34		Railroads, fences, 61 L. 105.

REFERENCES TO LAWS AMENDED AND REPEALED.

Page.	Se	Subject.
35		Assistant surgeons, 59 L. 75.
37		Salary of engineers of public works, 62 L. 175.
42		Bonds may be issued in certain cases, s. r., 64 L. 31.
46	3	Pay agents, s. r., 61 L. 20.
47	1	Salary of judges of Hamilton county, s. r., 63 L. 28.
——	2	—— of superior court, a., 63 L. 28.
48		Salaries of board of public works, 62 L. 9.
49	1	Criminal costs, 61 L. 23.
56		Jail fees, 61 L. 29.
57	1	State house superintendent, s. r., 62 L. 171.
62		Obscene advertisements, s. r., 61 L. 70.
70		Board of education, 61 L. 38.
71	1	Taxes, s. r., 61 L. 62.
		Taxes, rate, 60 L. 22, 93; 63 L. 138.
72	4	Taxes, r., 61 L. 38, 63.
	5	Taxes, rate, s. r., 60 L. 113; 62 L. 93.
74		Cities, taxes, 60 L. 74.
75	9	Taxes, 61 L. 38.
77	1	Prosecuting attorney, a., 62 L. 173.
81		Asylums, 62 L. 119.
82		Property of volunteers, exempt from ex., r., 63 L. 39.
83		County commissioners' pay, 62 L. 107.
84	4	Inspection of petroleum, s. r., 63 L. 29.
86	4	State printing, s. r., 61 L. 11.
87	2, 5	Militia, 60 L. 113.
——		Militia of Ohio, s. r., 63 L. 70, 83.
88		Taxation of railroads, 62 L. 110.
89	3	Taxes, s. r., 60 L. 114.
91	1	Blind, deaf and dumb asylum, s. r., 61 L. 105.
		Express and telegraph companies taxed, 60 L. 11; 62 L. 174.
93		Asylums, 62 L. 119.
——		Deaf and Dumb Asylum, s. r., 63 L. 116–120.
——		Blind asylum, s. r., 63 L. 170.
——		Ditches, how repaired, &c., suppl., 63 L. 38.
97		Fees of county treasurers, r., 62 L. 152.
100		Probate court, jurisdiction, 62 L. 142.
101	2, 3	Corporations, r., 60 L. 16.
102		Board of military claims, 62 L. 121.
——		Appropriation for claims, 63 L. 10.
104	1, 2	County auditor's fees, s. r., 62 L. 125.
114		Pay of members of general assembly, s. r., 63 L. 65.
114	3	Pay of clerks of general assembly, 62 L. 124; 63 L. 65.
116		Fees of clerks of common pleas, 62 L. 151.
117	2	Fees of clerks, s. r., 60 L. 9.

SIXTIETH VOLUME LAWS—1863.

6	1	Cities, sewers, s. r., 61 L. 49.
9		Fees of clerks of common pleas, 62 L. 151.
14	1	Supplied, repealed, 61 L. 64.
14		Cities, sewers, 62 L. 117, suppl. 63 L. 144.
24		Dower of insane wife, 61 L. 99.
26	1, 4	Deeds acknowledged in army, 61 L. 103.

REFERENCES TO LAWS AMENDED AND REPEALED.

Page.	Sec.	Subject.
26		Dogs not to run at large, s. r., 63 L. 94.
28	6, 8, 13, 27	Ohio penitentiary, s. r., 62 L. 152.
30	6	Supplied, repealed, 61 L. 60.
48		Counterfeiting U. S. notes, s. r., 61 L. 80.
61		Bounties to soldiers, 62 L. 108.
61		Soldiers' families, 62 L. 165.
68	1	Cities, steam fire engines, s. r., 61 L. 61.
72		Illegal arrests—kidnapping, &c., s. r., 63 L. 16.
73	1	Roads, s. r., 62 L. 88.
78		Board of military claims, 61 L. 108; 62 L. 121.
93	2, 3	Taxation, 61 L. 102.
97		Militia, s. r., 61 L. 126: 62 L. 36, 15, 138, 127, 111.
113	5	Taxation, 61 L. 102.
114		Taxation of railroads, 62 L. 110.
116		Relief of soldiers, 61 L. 56; 62 L. 92.

SIXTY-FIRST VOLUME LAWS—1864.

9	2	State universities and common schools—minors having served in army admitted free, s. r., 63 L. 83.
10	6	City prison, under control of chief of police, s. r., 63 L. 33.
12		Statistics—additional agricultural, suppl. 63 L. 67.
14	3	Appeals from probate court, s. r., 63 L. 26.
15		Soldiers' families, 62 L. 165; 60 L. 132.
22	2	Allowance for fees, s. r., 62 L. 178.
29		Sheriffs—pay for boarding prisoners, s. r., 63 L. 40.
31	22	Levies for school purposes, s. r., 63 L. 95.
34	7	Schools, 62 L. 64.
42		Contingent fund, 62 L. 163.
48		Sewers—may be constructed in villages—63 L. 36.
49		Soldiers' voting law, 62 L. 78.
56		Discharged soldiers, 62 L. 92.
57	1	City councils may punish vagrants, etc., s. r., 63 L. 49.
58		Town halls, erection of, etc., s. r., 63 L. 95.
60		Penitentiary, r., 62 L. 152.
61		Taxation for state defense, r., 63 L. 138.
63	1	Levy for school purposes in cities, s. r., 63 L. 15.
64		Sewerage in cities, suppl., 63 L. 150.
—		Cities—sewers—62 L. 117.
71	2	Council may order certain improvements, s. r., 63 L. 61.
74		Bounty tax, 62 L. 116, 30, 87.
75		Soldiers' families, 62 L. 165.
89		Soldiers' voting law, 62 L. 78.
101		Rate of taxation, 62 L. 93.
105		Blind asylum, s. r., 63 L. 170.
——		Deaf and dumb asylum, s. r., 63 L. 116—120.
106	41	Turnpikes and plankroads, r., 63 L. 150.
——	41	——, etc., original sec. 41, act of May 1, 1852, revived, 63 L. 150.
107	1, 2	When lawful to kill deer, s. r., 63 L. 21.
108		Appropriation for claims, 63 L. 108.
——		Board of military claims, 62 L. 121; 63 L. 157.
110		Militia of Ohio, r. s., 63 L. 70, 83.

REFERENCES TO LAWS AMENDED AND REPEALED.

Page.	Sec.	Subject.
——		Militia, 62 L. 111.
127		Tolls, s. r., 62 L. 56.
130	1	Cities—prisons, halls, &c., 62 L. 137.
132		Streets—extension of, powers of village councils, supp., 63 L. 42.
137		Seneca county bank bills, 62 L. 57.

SIXTY-SECOND VOLUME LAWS—1865.

10	5	Bureau of soldiers' claims, 62 L. 79.
18		Poor, supp., 62 L. 92; 63 L. 65.
55	9	Joint stock insurance companies, s. r., 63 L. 127.
59		Salary of state librarian, s. r., 63 L. 30.
71	10	Fees of clerk of supreme court, s. r., 63 L. 132.
78		Soldiers' voting law, as to township and ward elections, r., 63 L. 91.
82	4	Soldiers' relief fund, s. r., 63 L. 130.
86	1	Turnpikes and plank roads, s. r., 63 L. 143.
93	5	Taxation, rates of, s. r., 63. L. 7.
103	1	Assessors to take enumeration of deaf and dumb, &c., s. r., 63 L. 65.
110		Board of equalization of railroad property, s. r. 63 L. 68.
——		Deaf and dumb asylum, s. r., 63 L. 116–120.
111		Longview asylum, who admitted, s. r., 63 L. 149.
117		Sewerage, in cities, &c., supp., 63 L. 144.
118		Blind asylum, s, r., 63 L. 170.
121		Appropriation for claims, 63 L. 10.
——		Board of military claims, supp., 63 L. 157.
126	2	Fees of county auditors, s. r., 63 L. 126.
127		Militia of Ohio, s. r., 63 L. 70–83.
——		State military fund, distribution of, 63 L. 137.
137	1	Benevolent institutions, certain branches of trade prohibited near, s. r., 63 L. 57.
141	1, 3, 4	Bounty to veterans, s. r., 63 L. 188.
166		Bounties to volunteers, trustees to levy tax for, supp. 63 L. 59.
172		Probate court—jurisdiction extended, &c., 63 L. 35.
176	4	Damages by street improvement, a., 63 L. 23.
178	2	Fees of certain officers in criminal cases, s. r., 63 L. 11.
180		City councils may have streets sprinkled, s. r., 63 L. 186.
189		Land-scrip, s. r., 63 L. 139.
190	5	Land-scrip—report of board, &c., s. r., 63 L. 139.
——	9, 10, 11, 12, 13.	Land-scrip commissioners, s. r., 63 L. 140.

SIXTY-THIRD VOLUME LAWS—1866.

30		Salary of state librarian, supp., 63 L. 41.

INDEX TO GENERAL LAWS.

PAGE

ABANDONED CHILDREN—
schools and institutions may be established for 51

ADJUTANT-GENERAL—
to collect arms and equipments belonging to the state 73
to number companies of militia 74
to perform the duties of inspector-general 75
to furnish blanks and give instructions to officers of militia 79
to make annual report to governor concerning the militia 79
providing for appointment of assistant 92
authorized to collect statistics for Ohio's Record 170
appropriation for payment of salary of 179
appointed member of board of military claims 158

ADVERTISEMENTS—
certain legal, may be published in German papers in cities 161

AGRICULTURAL COLLEGE—
trustees appointed to receive proposals for, and report opinion to general assembly 103

AGRICULTURAL STATISTICS—
additional, to be collected by assessors 67

AGRICULTURAL INTEREST—
appropriation for 184

ALLEYS. See *Streets and Alleys.*

AMENDED STATUTES—
not to affect pending actions 22
See *changes in Laws*, etc. (Curwen) ..... 248—261
(Swan & Critchfield) ..... 262—269

APPEALS—
may be taken from any order, decision, or decree of probate judge, to court of common pleas 26
when taken from justice's judgment, transcript of proceedings must be made out by justice, and delivered to appellant 48
appellant must deliver transcript to clerk of court 48
justice must deliver bill of particulars and all original papers to clerk of court 48

APPROPRIATIONS—
partial, for 1866 8–10
To pay expenses of committees of general assembly 29
for payment of expenses of board of military claims 160
general, for 1866, and first quarter of 1867 175–185
for agricultural interest 184
for great seal of state 186

ASSESSORS—
to take enumeration of deaf and dumb, blind, insane, and idiotic persons 65
to collect statistics of agricultural and mineral products 67
to take enumeration of militia 70
compensation to, for taking enumeration of militia 71
to take enumeration of necessitous soldiers' families 142
to assess lots in new town plats, or additions to towns 174

ASSISTANT ADJUTANT-GENERAL—
providing for appointment of 92

ASYLUMS. See *Benevolent Institutions; Deaf and Dumb Asylum; Blind Asylum, Lunatic Asylums; Longview Asylum; Asylum for Idiots.*

ASYLUM FOR IDIOTS—
appropriation for 182

ATTORNEYS—
act of 1846, relative to admission and practice of, repealed 61, 86

AUDITOR. See *Auditor of State; Auditor of County.*

AUDITOR OF STATE—
duties of relative to redemption of bills of Seneca County Bank 14
to make allowance to sergeants-at-arms for services after adjournment of general assembly 66
duties of relative to distribution of soldiers' relief fund 130
" " " state military fund 137, 138
" " sale of land-scrip 139
may have certain lands appraised and sold 141
to issue licenses to foreign insurance companies 151
may revoke license to foreign insurance company 152
must demand a fee for examining statement of foreign insurance company .. 152
appointed member of board of military claims 158

AUDITOR OF COUNTY—
not to allow bills of attorneys for services in criminal prosecutions until certified by county commissioners 6
duties of, when writ of peremtory mandamus is issued by court 16
duties of, when damages are assessed on account of street improvements 25
duties of, relative to commutation paid by members of national guard 26, 27
to return statistics of agricultural and mineral products to auditor of state and state board of agriculture 67
to transmit enrollment of militia to adjutant-general 71
to levy tax for improvement or erection of town halls 85
duties of, relative to improvement of county roads 115
additional fees allowed to 168
to report certain military statistics to adjutant-general 170
duties of, relative to assessing new town plats, or additions to towns 174

BANK. See *Seneca County Bank.*

BANKERS—
must stamp all counterfeit or worthless bank notes 136
shall not be appointed notaries public 162

BANK NOTES—
all worthless and counterfeit, must be stamped by bankers or brokers 136

BEGGARS—
city councils may provide for the punishment of 49

BENEVOLENT INSTITUTIONS—
certain branches of trade shall not be carried on in vicinity of 57, 96, 97

BEQUESTS—
county commissioners may receive for erection of soldiers' monuments 169

BINDING—
appropriation for 177
providing for the execution of, for the state 191

BLIND ASYLUM—
providing for reorganization of ..... 170—172
trustees of, appointed by Governor 171
trustees to appoint officers, and fix their salaries 171
duties of superintendent and steward, prescribed 172
who may be admitted into 172
how long pupils may remain in 173
mechanical department of, may be enlarged 173
appropriation for salaries, provisions and improvement 181, 182

BOARD OF AGRICULTURE. See *Ohio State Board of Agriculture.*

BOARDS OF TRADE—
providing for the incorporation of ..... 89—91

BOARD OF EQUALIZATION. See *Equalization; Railroads.*

BOARD OF PUBLIC WORKS—
authorized to lease certain lands in Cincinnati 92
record of proceedings of, and clerk of 124
appropriation for salaries of members and clerk of 178

BONDS—
may be issued by councils of certain cities of second class for improvement of water-courses 19
authorizing the issue of new for unpaid, by county commissioners, township trustees and city councils 41
may be issued by county commissioners for improvement of roads 116
may be issued by certain cities of second class for purpose of erecting bridges over canals 120
may be issued by certain cities of first class for erection of hospitals 154
to be issued to certain veteran volunteers 188
may be issued by certain cities of first class for purchase of gas works 189

BOUNTIES—
money borrowed for payment of, may be refunded by county commissioners. 59, 60
local, under call of 1862, tax may be levied for payment of 155
payment of, to certain veteran volunteers 188

BOUNTY FUND—
balances of, in cities, to be transferred to other funds 40

BRIDGES—
providing for lighting, in cities 36, 37
destroyed by fire, flood, &c., may be rebuilt by county commissioners, without submitting question to legal voters 93
may be erected over canals, in certain cities of the second class 120
appropriation for building a double track iron bridge at Zanesville 184

BROKERS—
must stamp counterfeit and worthless bank-notes 136
cannot be appointed notaries public 162

BUILDINGS—
companies may be incorporated for the erection of 128, 129
unlawful to deface or injure 175

BURYING GROUNDS. See *Cemeteries.*

CANALS—
city councils may improve, extend, &c., by concurrence of two-thirds of members 61

CANAL LANDS—
appraiser of, to be appointed by Governor 140
when subject to entry or sale 140

CAPITAL OFFENSES—
persons tried for, may be furnished counsel by court 6

CEMETERIES—
may be improved, &c 44
trustees of, may buy additional land, or dispose of unsuitable ground 88

CEMETERY ASSOCIATIONS—
may organize by appointing trustees and clerk 34

CHAMBERS OF COMMERCE—
authorizing the establishment of ..... 89—91

CHILDREN'S HOMES—
authorizing the establishment of, in the various counties 45
board of trustees, superintendent and matron to be appointed 45
who admitted to home 45
providing for establishing in cities, for abandoned and neglected children ... 51
trustees and managers of, to act as guardians 51
record of parentage, residence, &c., of children must be kept by trustees 51
trustees of, may cancel contract, and remove children from unsuitable homes 52

CHURCH EDIFICES—
unlawful to deface or injure, or grounds attached thereto 175

CITIES—
additional tax may be levied in, for sanitary and street-cleaning purposes... 7
owning gas works, a further assessment may be made 7
of not exceeding fourteen thousand inhabitants, may improve water-courses within limits of 18, 19
powers extended to, for construction of sewers 36
council of, may provide for lighting bridges within limits of 37
of second class, certain powers extended to councils of 42
powers granted to councils of, to punish thieves, burglars, vagrants, &c. 49
certain of second class may build bridges over canals 120
of second class may require all able-bodied males, between 21 and 45 years of age, to work two days on the streets and alleys 124, 125
certain of second class may assess tax to improve streets and alleys.... 133—136
of first class may own gas works 189

CITY BANK OF COLUMBUS—
appropriation for payment of rent to 185

CITY CLERK—
duties of, relative to improvement of water-courses in certain cities of second class 19

CITY COUNCILS—
powers granted to, in certain cities of second class, relative to improvement of water-courses 18, 19
duties of, and powers, relative to improvement of streets, alleys and side-walks 23, 24, 25
of cities of one hundred thousand inhabitants, may erect work-house..... 30—32
may erect city prison, in cities of first class 33
of certain cities of second class, may provide for lighting bridges..... 36, 37
may provide for the punishment of burglars, thieves, watch-stuffers, &c..... 49
may authorize the sprinkling of streets, in cities of first class 186
may provide for paying bounties to veteran volunteers 188

CITY PRISON—
may be erected in cities of first class, and be under control of chief of police. 33

CIVIL ACTIONS—
indexes of, may be made in certain counties 10

CLAIMS—
against railroads for labor or materials, how collected 126
See *Soldiers' Claims.*

CLERKS—
of cemetery associations 34
appropriation for payment of salaries of, in State Auditor's office 176
" " " in State Treasurer's office 176
" " " in office of Secretary of State 176
" " " in office of Comptroller 176
" " " in office of School Commissioner... 176
" " " in office of Board of Public Works. 178
" " " military clerks 179
" " " in office of Commissioner Sink. Fund 184
" " " in office of Attorney General 185

CLERKS OF GENERAL ASSEMBLY—
their compensation 65

CLERK OF COURT OF COMMON PLEAS—
to make entry in indexes in civil actions 10
duties of in cases of conviction for murder in first degree. 35

CLERK OF SUPREME COURT—
duties of when writ of error is allowed by supreme court in cases of murder. 35
fixing salary of 132

CLERGYMEN—
marriages by, must be certified to probate judge 46

COAT OF ARMS—
device for 185

DIRECTORS—
of work-houses, their duties, &c. 31
of Longview Asylum, duties of, defined 149

DITCHES—
providing for widening, deepening or opening, in townships 38, 39

DOGS—
not allowed to run at large, unless accompanied by owner 94
sheep killed and injured by, owner of dog liable for 95

DONATIONS—
may be received by county commmissioners for erection of soldiers' monuments 169

DOWER—
widow applying for, may file petition in court of common pleas or superior court 34

DRAINS—
providing for widening, deepening, &c., in townships 38, 39

DRUNKARDS—
unlawful to sell intoxicating liquors to 150

DWELLING-HOUSES—
penalty for injuring or defacing 175

ELECTION—
for or against removal of county seat of Wood county 58
of judges in second judicial district 66
for or against removal of county seat of Putnam county 69
for or against improving town halls 84, 85
for or against assessing tax for soldiers' monuments 169

ENGRAVING—
appropriation for, for agricultural report 184

ENUMERATION—
of blind, deaf and dumb, insane, and idiotic persons to be taken by assessors 65
of militia, to be taken by assessors 70, 71
of necessitous soldiers, and soldiers' families, to be taken by assessors 142

EQUALIZATION—
of property of railroads 68

EXCEPTIONS—
to decisions of justices of the peace, may be taken in certain cases 148

EXECUTIONS—
may be stayed, by filing petition in error 5
property of soldiers exempt from, for certain periods 39

EXTRAORDINARY CONTINGENT FUND—
appropriation for 178

FEES—
to officers, for services in criminal cases, when not paid by the state 11, 12
of county auditors, for services, under act giving additional security to creditors of counties 16
of sheriffs, for removing convicts from penitentiary, for trial on other indictments 21
for issuing letters of guardianship 43
additional to county auditors 168

FIELD NOTES—
of surveys of certain lands, to be recorded 122

FREIGHT COMPANIES—
may build and own vessels, and other personal property, and real estate 27
persons connected with, cannot be officers or agent of railroad company 156

FUNDS. See *Military Fund; Soldiers' Relief Fund; Bounty Fund.*

GAME. See *Wild Deer.*

GAMING—
real and personal property, liable for money lost, &c. 163
buildings used for, liable for money lost, &c., in certain cases 163

GAUGE. See *Railroads.*

GAS—
providing for the protection of consumers of..... 164–168
inspector of, to be appointed by governor, and have office at Columbus..... 164
companies must pay inspector's salary..... 165
meters must be stamped and sealed..... 165
testing meters, and record to be kept..... 166
when considered merchantable..... 166
when officers or agents may enter buildings, turn off gas, &c..... 167
unlawful to interfere with or injure meters, or use gas without authority 167, 168

GAS COMPANIES. See *Gas.*

GAS INSPECTORS. See *Gas.*

GAS METERS. See *Gas.*

GAS WORKS—
additional tax may be levied for, in certain cities..... 7
may be purchased by certain cities of first class..... 189

GENERAL ASSEMBLY—
fixing per-diem of members and officers of..... 65
appropriation for payment of per-diem of members and officers of..... 176
" " contingent expenses of..... 182

GOVERNOR—
warrants for removal of convicts from penitentiary, for trial on other indictments, must be submitted to..... 20
may order enumeration of militia, if assessors neglect or refuse..... 71
to order discharge of national guard..... 72
may prescribe rules for government of militia..... 74
to be commander-in-chief of militia..... 75
to be *ex officio* member of board of trustees to receive proposals for location of agricultural college..... 102
to appoint appraisers of canal lands..... 140
to appoint trustees of benevolent institutions..... 117, 171
appropriation for civil and military contingent funds of..... 178

GLUE FACTORIES—
not allowed near benevolent institutions..... 57

GREAT SEAL OF STATE—
device for..... 185

GUARDIAN. See *Guardian and Ward.*

GUARDIAN AND WARD—
separate bond not required of guardians appointed for several children of same parentage..... 43, 44

HOMES. See *Soldiers' Home; Children's Homes.*

HORTICULTURAL SOCIETIES—
certain powers granted to..... 122

HOSPITALS—
commissioners of, appointed, their duties prescribed..... 153, 154
may be erected by city authorities in certain cities of first class..... 152–155
legal voters may vote for or against erection of..... 154

HOTELS—
companies may be incorporated for the building of..... 128, 129

HYDRAULIC COMPANIES—
certain relief granted to..... 50
may appropriate land for construction of canals..... 147
petition to appropriate land must be filed in probate court, published, and decision of court obtained..... 147

INCORPORATED COMPANIES—
amendment of act of 1853, relative to right of way to turnpikes and plank-roads..... 61, 62
amendment of act of 1852, relative to manufacture of iron..... 67
amendment of act relative to insurance companies..... 127

INCORPORATED COMPANIES—*Continued.*
authorizing the incorporation of companies for building hotels, tenement houses, &c. 128, 129
providing for incorporation of safe-deposit companies 131, 132
rates of toll allowed to turnpike or plank-roads, leading from quarries to railroads or canals 143
amendment of act, relative to keeping turnpikes in repair 150
relative to turnpikes terminating in cities 187

INDEXES—
of civil actions pending, may be made, in cities of two hundred thousand inhabitants 10

INDUSTRIAL SCHOOLS—
may be established in cities, for the benefit of abandoned children 51
general duties and powers of trustees and managers of, prescribed 51, 52

INJURY. See *Railroads; Code.*

INSPECTORS—
to examine turnpikes and plank-roads appointed by justice of the peace 150
of gas and gas-meters 164

INSURANCE COMPANIES—
act of 1856, relative to, repealed 60
providing for organization of joint stock 127
foreign, cannot transact business without license from auditor of state 151
statement of capital, &c., must be filed with auditor of state annually 151
must pay a fee of five dollars to auditor of state for examining statement ... 152

INSPECTION—
of petroleum 29, 30

INTEREST—
appropriation for payment of, on state debt 184

INTERNAL REVENUE STAMPS—
providing for purchasing of, for townships, cities and villages 157

INTOXICATING LIQUORS—
unlawful to sell to minors or intoxicated persons 150

INQUEST. See *Coroner*

IRON. See *Manufacturing.*

JOURNALS OF GENERAL ASSEMBLY—
appropriation for distribution of 177

JUDGES—
common pleas of Hamilton county, fixing salaries of 28
of superior court of " " " " 28
of superior court and court of common pleas, to appoint directors of workhouses 31
of court of common pleas, may order special term of court, and designate business to be transacted 54
providing for election of, in second judicial district 66
providing for election of one additional common pleas, in sixth judicial district 162
appropriation for payment of salaries of 176

JURORS—
to be selected by township trustees, on second Tuesday of October 53
how drawn for special terms of court 54
appointed to assess damages to property, by construction of street railroads. 56
persons absent or sick, when drawn, may be drawn at other times 57
talesmen may be summoned to fill jury 58

JUSTICES OF THE PEACE—
duties of, when petition in error is filed 5
fees allowed to, in criminal cases, when state fails to allow 12
may render judgment against claimant, for costs, when claimant fails to establish right to property 42
certificates of marriages by, must be transmitted to probate judge 46

JUSTICES OF THE PEACE—*Continued.*
duties of, in cases of appeal 48
" " in serving mesne process on railroads 63
exceptions to decisions of, may be taken in certain cases 148
duties of, when complaint is filed against turnpikes or plank-roads 150

KALIDA. See *County Seat.*

KIDNAPPING—
punishable by imprisonment in penitentiary 16, 17

LANDS—
board of public works authorized to lease certain, in Cincinnati 92
new town plats, or additions to towns, must be assessed and returned to county auditor 174
appropriation for appraisal of certain 183

LAND SCRIP—
providing for the sale of 139

LAWS—
appropriation for the distribution of 177

LEGAL NOTICES—
may be published in German papers, in cities 161

LIBRARY—
defacing newspapers, magazines, &c., belonging to any, punished by fine or imprisonment 8
appropriation for purchase of books, &c., for state 177

LIBRARIAN. See *State Librarian.*

LICENSE—
to be issued to foreign insurance company 151

LIGHTS. See *Bridges.*

LIQUORS. See *Intoxicating Liquors.*

LOCAL BOUNTIES. See *Bounties.*

LONGVIEW ASYLUM—
providing for reorganization of 149
appropriation for 182

LUNATIC ASYLUMS—
appropriations for 180, 181

MAGAZINES—
belonging to libraries or societies, unlawful to destroy or injure 8

MANUFACTURING—
iron manufactories may manufacture steel by consent of stockholders 67
certain kinds of not allowed near benevolent institutions 96, 97

MANDAMUS—
peremptory writ of, issued against county commissioners, township trustees, &c. 15, 16

MARINES—
distribution of funds for relief of families of 130

MARSHAL—
may be allowed fees by county commissioners, for services in criminal cases, when not paid by state 12

MARRIAGES—
certificates of, must be transmitted to probate judge, and recorded 46

MARRIED WOMEN—
property belonging to, or acquired before marriage, to belong to and be under their exclusive control 47, 48

MAYOR—
may be allowed fees by county commissioners for services in civil cases 12
duties of, when damages are claimed for injury done by street improvements 23

MAYOR—*Continued.*
of cities of first class, to be *ex officio* president of board of directors of work-house 31
to appoint policemen for work-house 32

MERIDIAN—
lines of, may be established at county seats 11

MESSENGERS—
in state offices, appropriation for payment of 178

METROPOLITAN POLICE—
may be established in cities of first class of less than one hundred thousand inhabitants ..... 104—113
commissioners to be appointed by governor 104
superintendent, captain, patrolmen and detectives to be appointed—their duties defined 104, 105
salary of superintendent, captain and patrolmen 106
patrolmen not allowed to receive any gift, or fee 106
charges against policemen 107
rewards, &c., how dis osed of 107
special policemen may be appointed 108
no member to resign without giving two weeks' notice 109
stolen property must be deposited, and record kept 109, 110
commissioners may administer oaths, &c. 112
superintendent must make monthly report 112
using personal violence on policemen, a misdemeanor 112
accepting office, or nomination for office, to be deemed a resignation 113
policemen not allowed to enter drinking or gaming saloons, unless in discharge of duties 113
office of marshal abolished 113

MILEAGE—
appropriation for payment of to county treasurers 177

MILITARY FUND—
providing for the distribution of, to the various counties 137, 138
transfer of certain balances of, in cities 40

MILITARY CLAIMS—
board of commissioners of, appointed; their duties, &c. ..... 157—160
character of claims which may be presented to board 158

MILITARY EXPENSES—
appropriation for extraordinary contingent fund 178
" " military officers and clerks 179
" " enrollment of militia 179
" " improvement of state arsenal 179
" " Gettysburg cemetery 179
" " transportation 179
" " salaries of claim agents 179
" " care and collection of arms 179

MILITIA—
property of, exempt from execution while in U. S. service, and for two months after 39
act to organize and discipline ..... 70—83
white males 18 years of age and under 45 to be enrolled 70
who exempted from serving 72
governor to order discharge of National Guard, and authorize volunteer organizations 73
governor to be commander-in-chief 75
subsistence and commissary departments may be organized 75
line and field officers to be elected by ballot 75
commissions, oaths, resignations, term of service 76
drills, courts of inquiry, fines 77
company fund, pay, uniform 78
may be called out to aid civil authorities 79, 80
governor may call for volunteers or order draft, in case of war, insurrection, or invasion 81, 82
medical department, when may be formed 75
brigades and divisions, how formed 82

MINORS—
who enlisted may attend state universities and public schools, free of expense 83, 84
unlawful to sell intoxicating liquors to 150

MISDEMEANORS—
to kidnap any person 17
to use personal violence on policemen 112

MONUMENTS. See *Soldiers' Monuments.*

MURDER—
convictions for, in first degree, how carried into execution 35

NAIL FACTORIES—
must not be erected near benevolent institutions 96, 97

NATIONAL GUARD—
commutation paid by members of, to be refunded 26
to be discharged by order of governor 72

NATIONAL ROAD—
appropriation for repairs of 185

NIGHT-WATCH—
appropriation for payment of 178

NOTARIES PUBLIC—
no banker, broker, agent or officer of any bank, shall be appointed as 162
powers and fees of 162

NEWSPAPERS—
unlawful to destroy those belonging to libraries or societies 8

NUISANCES—
unlawful to deposit dead animals, offal from slaughter-houses, fish-houses, &c., in rivers, creeks, or roads 102

OHIO STATE BOARD OF AGRICULTURE—
president of, to be *ex officio* member of board of trustees to receive proposals for agricultural college 103
appropriation for contingent expenses of 184

OHIO RECORD. See *Statistics.*

OHIO PENITENTIARY—
appropriation for 180

OHIO STATE REPORTS—
appropriation for purchase of 177

OILS—
providing for the inspection of petroleum 29, 30

OTTAWA COUNTY. See *County Seat.*

PAULDING COUNTY—
defining jurisdiction of probate court in 36

PERIODICALS—
unlawful to destroy those belonging to libraries or societies 8

PETROLEUM—
providing for the inspection of 29, 30

PICKPOCKETS—
city councils may provide for punishment of 49

PLANK ROADS—
companies may take possession of streets, lanes, roads or alleys, in certain cases 62
may be appropriated by county commissioners, when company fail to keep road in repair or elect officers 68
failure to keep in repair, forfeits right to collect toll 150
from quarries to railroads or canals, rates of toll allowed 143
terminating in cities, to be used as a street 197

POLICE—
chief of, to have control of city prison 33
See *Metropolitan Police.*

POLICE COMMISSIONERS. See *Metropolitan Police.*

POLICE JUDGE—
may be allowed fees by county commissioners, for services in criminal cases, when not paid by state 12

POOR—
in counties having no infirmary, county commissioners or township trustees may exercise same rights and powers as infirmary directors 64

PRISONERS—
tried for capital offenses, may be furnished with counsel 6
compensation to sheriffs for keeping 40

PRISON. See *City Prison.*

PRINTING—
appropriation for 177
providing for the execution of, for the state 190, 191

PROCESS—
manner of serving mesne on railroads 63

PROBATE COURT—
appeals may be taken from decision of, to court of common pleas 20
jurisdiction of, extended to Putnam and Paulding counties 36

PROBATE JUDGE—
must record marriages 46
to hear and determine petition to appropriate land for hydraulic purposes ... 147

PROPERTY—
real, of married women, acquired before marriage, to be under her control 47, 48
See *Device.*

PROSTITUTES—
city councils may provide for the punishment of 49

PUBLIC WORKS—
appropriation for payment of members of, engineers, clerk, attorney's fees, and improvements 178
See *Board of Public Works.*

PUTNAM COUNTY—
seat of justice of may be removed from Kalida to Ottawa 69, 70

QUARTERMASTER-GENERAL—
appropriation for balance of salary of 179

RAILROADS—
mesne process may be served on company in any township through which road passes 63
property of, may be equalized for taxation 68
actions against for injury to persons or property 87, 88
must make tracks of a uniform gauge 88, 89
claims against for labor or materials furnished, how collected 126
company may change grade or location of track 141
owners or stockholders of transportation company cannot be officers of 156

REAL ESTATE—
belonging to religious societies, may be sold by trustees 87
may be conveyed in certain cases by township trustees 103

RECORD See *Field Notes; Surveys.*

REFORM FARM. See *Reform Schools.*

REFORM SCHOOLS—
commissioners of to be appointed by governor 52
providing for the establishment and government of 52, 53
salary of acting commissioner, and per-diem of advisory commissioners 53
appropriations for 183

RELIGIOUS SOCIETIES. See *Real Estate.*

RELIEF. See *Soldiers' Relief Fund.*

REPEALED. See *changes in Laws*, &c. (Curwen).....248—261
" " " (Swan & Critchfield).....262—269

RIGHT OF WAY. See *Railroads; Plank Roads; Turnpikes.*

ROADS—
extra taxes may be levied for the improvement of 114
county commissioners may improve when petitioned by a majority of land-holders 115, 116
when destroyed by land-slides, freshets, &c., county commissioners may levy additional tax for improvement of 121, 122
all males of 18 to 55 years of age, may be required to work two days, in cities and villages 124, 125

ROLLING MILLS—
not permitted near benevolent institutions..... 96, 97

SAFE-DEPOSIT COMPANIES—
providing for the incorporation of 131, 132

SALARIES—
of common pleas judges of Hamilton county 28
of judges of superior court of Cincinnati 28
of state librarian 30, 41
of clerk of board of public works..... 124
of clerk of supreme court 132
of gas inspectors to be paid by companies..... 165
of state officers, appropriation for payment of 176

SANITARY PURPOSES—
additional tax may be levied for, in cities 7

SCHOOLS—
trustees of, in certain cities of first class, to make estimate of tax necessary for 15
funds derived from sales of section 16, in Harrison county, to be applied to .. 129

SCHOOL-HOUSES—
injuring or defacing building, books, or apparatus, punished by fine..... 175

SCHOOL LANDS. See *Schools.*

SEALS—
after two years, all officers must use new..... 186
See *Great Seal of State.*

SEAT OF JUSTICE—
of Wood county, providing for removal of 58, 59
of Putnam county, providing for removal of 69, 70

SECRETARY OF STATE—
to give receipt to sergeant at-arms, for property 66
to employ a competent person to make record of certain surveys 122
duties of, relative to sale of land-scrip 139
to procure great seal for state, and a seal for supreme court, and one for each county..... 186
to be member of board of military claims 158

SENECA COUNTY BANK—
providing for the redemption of the bills of 12, 13, 14
appropriation for redemption of bills of 14

SERGEANT-AT-ARMS—
duties of, and compensation, after adjournment of general assembly..... 66

SEWERS—
power to construct, extended to certain cities of second class, and villages... 36
funds may be collected for improvement of, in cities of over one hundred thousand inhabitants..... 86
providing for the construction of in certain cities 144–146
council may provide for proper house connections..... 145
privilege to tap may be granted to property holders 145
assessments for, may be confirmed by city council 145
assessments for, to be a lien upon property 146

SHEEP—
killed or injured by dogs, owners of dogs liable for 95

SHERIFF—
duties of, when convicts are removed from the penitentiary, for trial on indictment for murder 20, 21
duties of, in executing sentence of court in convictions for murder in the first degree 35
compensation to for keeping prisoners 40
to summon talesmen, when jury is not full 58
of Wood county, to issue proclamation for election for removal of county seat 59
to serve summons on railroad companies, in certain cases 64

SHIP CHANNEL—
construction or improvement of, in cities, requires consent of two-thirds of property-holders 61

SIDEWALKS—
improvement of along wharves and public grounds 25

SINKING FUND—
transfer of soldiers' relief fund to 38
appropriation for 184
See *Commissioners of Sinking Fund; Soldiers' Relief Fund.*

SLAUGHTER-HOUSES—
not to be erected near benevolent institutions 57

SOAP FACTORIES—
not allowed near benevolent institutions 57

SOCIETIES FOR SAVINGS—
authorized to buy land, &c. 62

SOLDIERS—
property of, exempt from execution while in U. S. service, and for two months after being discharged 39
who were minors when enlisted, may attend state universities or public schools free of charge 83, 84
when may be admitted to soldiers' Home 100
distribution of funds for relief of families of 130
enumeration of necessitous families of, to be taken by assessors 142
See *Soldiers' Relief Fund; Soldiers' Home; Soldiers' Monuments.*

SOLDIERS' RELIEF FUND—
transfer of, to sinking fund 38
providing for the distribution of, to the several counties 130

SOLDIERS' HOME—
temporary, for Ohio soldiers ..... 98—101
governor to appoint five trustees 98
trustees may appoint a superintendent, surgeon, steward and matron, and fix their salaries 99
trustees must make monthly visits, and report annually to governor 99
duties of superintendent and matron 99
trustees may receive donations, grant of land, &c. 100
what soldiers may be admitted to Home 100
no liquors allowed, except prescribed by surgeon 100
soldiers selling clothing, to be dismissed from Home 101
appropriation for current expenses, &c. 101

SOLDIERS' MONUMENTS—
may be erected by county commissioners, with consent of majority of legal voters 169
county commissioners may receive donations or bequests for 169

STATE LIBRARIAN—
fixing salary of 30, 41

STATE BOARD OF AGRICULTURE—
See *Ohio State Board of Agriculture.*

STATE TAXES—
providing for estimate of 138

STATISTICS—
of agricultural and mineral products, to be collected by assessors 67
adjutant-general authorized to collect certain military 170

STATIONERY—
appropriation for purchase of, for state 177

STATE HOUSE—
appropriation for taking care of, painting windows, &c 176, 177

STATE DEBT—
appropriation for payment of principal of 184

STATE MILITARY FUND—
providing for the distribution of 137

STATUTES—
amendment or repeal of, not to affect pending actions 22
See *Amendments to Statutes*—(Curwen) ..... 248—261
" (Swan & Critchfield) ..... 262—269
See *References to Laws Amended and Repealed since* 1860 ..... 270—273

STAY OF EXECUTION. See *Execution.*

STAMPS. See *Internal Revenue Stamps.*

STOCKHOLDERS—
of railroads, act for protection of 156

STREETS—
additional tax may be levied for cleaning, in certain cities 7
damages to property by improvement of, how assessed, &c 23, 24
males between 18 and 55 years of age may be required to work two days upon, in cities of second class and villages 124, 125
improvement of, in certain cities of first class ..... 133—136
providing for sprinkling, in cities of first class 186

STREET RAILROADS—
amendatory act providing for regulation of 55, 56
cannot be built without first obtaining consent of corporate authorities 55
city councils to prescribe terms upon which streets may be used 55
consent of property-holders must be obtained 55
jury to assess damages 56

STEEL. See *Manufacturing.*

SURGEON-GENERAL—
may be appointed in case of war, invasion or insurrection 75
appropriation for payment of balance of salary of 179

SUPREME COURT—
salary of clerk of 138
appropriation for messenger and crier of, and for books and reporter 177

SURETIES—
of volunteers in U. S. service, exempt from execution for certain period 39

SURVEYS—
record of certain, to be made ..... 122.

TAXES—
rate of which may be levied for city and village, street cleaning and sanitary purposes 7
estimate for school purposes, in certain cities of first class, to be made by trustees 15
special, may be assessed to satisfy judgment when writ of peremptory mandamus has been issued 16
may be assessed for improvement of streets and sidewalks, and for payment of damages 24, 25
delinquent, how collected 43
may be assessed to refund money borrowed to pay bounties 59, 60
may be levied for improvement of town halls in cities of second class 85

TAXES—*Continued.*
may be collected for sewerage purposes, in cities of over one hundred thousand inhabitants ... 86
estimate of amount for school purposes in townships must be made annually by board of education ... 95
extra, may be levied for road purposes ... 114
" " " to repair roads destroyed by freshets or land-slides ... 121
estimate of rate of, for state purposes ... 138
may be assessed for improving streets or alleys ... 133—135
" " for paying bounties pledged to volunteers under call of 1862. 155
" " by consent of legal voters, for erection of soldiers' monuments 169
" " for paying bounties to veteran volunteers ... 188

TESTIMONY—
who shall be competent to give ... 17, 18

THIEVES—
city councils may provide for punishing ... 49

TOWNSHIPS—
trustees of, may convey certain real estate ... 103

TOWNSHIP TRUSTEES—
may improve or purchase cemetery grounds ... 44
See *Trustees.*

TOWNSHIP ASSESSORS. See *Assessors.*

TOWN HALLS—
legal voters in cities of second class may vote for or against erection or improvement of ... 84, 85

TOWN PLATS—
new, or additions to towns, must be assessed and returned to county auditor. 174

TRANSPORTATION COMPANIES—
owner or stockholder of, cannot be appointed as agent or officer of railroad .. 156

TREASURER OF STATE—
duties of, relative to redemption of bills of the Seneca County Bank ... 13, 14
" " sale of land scrip ... 139

TRUSTEES—
of cemetery associations, how elected, and term of office ... 34
of townships, authorized to improve ditches, drains and water-courses ... 38, 39
of children's homes, or industrial schools ... 51
of township, to select juries on second Tuesday of October ... 53
" may exercise certain powers relative to the poor, in cities having no infirmary ... 64
of religious societies, must make return of sales of real estate belonging to society ... 87
of cemeteries, may buy additional grounds, or sell unsuitable lands ... 88
of soldiers' Home, their appointment and duties ... 98, 99
of townships, may convey certain real estate ... 103
" may provide watering places ... 123
of benevolent institutions, appropriation for payment of ... 178
of township, may provide for paying local bounties to veteran volunteers ... 188

TURNPIKES—
when company may take possession of, and use streets, roads or alleys ... 62
abandoned, may be appropriated by county commissioners ... 68
from quarries to railroads or canals, rates of toll allowed ... 143
failure to keep in repair, forfeits right to toll ... 150
terminating in cities, to be used as streets ... 187

VAGRANTS—
city councils may provide for punishment of ... 49

VETERAN VOLUNTEERS—
property of, exempt from execution while in U. S. service ... 39
providing for paying local bounty to ... 188

VILLAGES—
tax may be levied in, for sanitary and street cleaning purposes ... 7
powers to construct sewers extended to ... 36
certain powers extended to ... 42

VOLUNTEERS—
local bounties pledged to, under call of 1862, may be paid by county commissioners 155

WARDEN OF PENITENTIARY—
to deliver convicts to sheriffs for trial under other indictments..... 20, 21

WARD. See *Guardian and Ward.*

WATER-WORKS—
tax may be levied for improvement of, in certain cities 7

WATER-COURSES—
within certain cities of second class, may be improved 18, 19
providing for widening, deepening or improving 38, 39
cannot be improved in cities without concurrence of two thirds of city council 61

WATERING PLACES—
may be established, for man and beast, by township trustees..... 123

WIDOWS. See *Dower.*

WIFE. See *Married Women.*

WILLS. See *Devise.*

WILD DEER—
when killing of, prohibited..... 21

WITNESS—
who competent as 17, 18

WOMEN. See *Married Women.*

WORK-HOUSES—
may be erected in cities exceeding one hundred thousand inhabitants .... 30—32

WOOD COUNTY—
providing for removal of seat of justice of..... 58, 59

WRIT—
when stayed, by filing petition in error 5

ZANESVILLE—
appropriation for building iron bridge across canal at..... 184

INDEX TO LOCAL LAWS.

PAGE.

ADAMS COUNTY—
trustees of Manchester township in, authorized to issue bonds for road purposes 198
authorities of Winchester township authorized to levy tax for improvement of roads 220

ALLEN COUNTY—
authorities of village of Lima, authorized to transfer certain fund to general fund 210

AQUEDUCT—
board of public works authorized to construct, on Miami and Erie canal, in Butler county, near Big Pond 205

AUDITOR OF STATE—
required to draw order on treasury in favor of Joseph Cable, for salary 203

BATAVIA, CLERMONT COUNTY—
board of education of, authorized to borrow money and issue bonds for payment of teachers 197, 198

BOARD OF PUBLIC WORKS—
authorized to construct an aqueduct on the Miami and Erie canal, in Butler county 201

BONDS—
trustees of Manchester township, Adams county, to issue for improvement of roads 198
board of education of Batavia, Clermont county, authorized to issue to pay teachers 198
may be issued by board of education of Millersburg, Holmes county 199
board of education of Toledo authorized to issue for school purposes 201
commissioners of Butler county authorized to issue for bridge purposes 201
board of education of Washington, Fayette county, to issue for school purposes 202
city of Newark authorized to issue for purchase of steam fire engine 209
board of education of village of Van Wert authorized to issue for school purposes 213
town council of Logan, Hocking county, to issue for erection of town buildings 220

BOUNTY—
trustees of Clark township, Clinton county, authorized to levy tax to pay ... 197

BRIDGES—
commissioners of Tuscarawas county authorized to erect a bridge across Tuscarawas river 192
commissioners of Montgomery county authorized to purchase bridge across Miami river, at Dayton 192
commissioners of Shelby county may assess additional tax for 192, 193
commissioners of Hamilton county authorized to make partial remuneration for bridge at Cleves 193
commissioners of Trumbull county authorized to complete iron bridge at Warren 193
commissioners of Butler county authorized to build a bridge across the Great Miami river 194
commissioners of Warren county authorized to build a bridge across the Little Miami river, at Foster's Crossing 197
commissioners of Butler county may assist in building a bridge across the Great Miami river 201

BRIDGES—*Continued.*
commissioners of Hamilton county authorized to erect a bridge across White Water river 209
commissioners of Hamilton county authorized to erect a bridge across Mill creek 213
authorizing the commissioners of Hamilton, Warren and Clermont counties to build a bridge at Loveland 219
commissioners of Montgomery county authorized to build a bridge at Dayton 221, 222

BUILDINGS. See *Logan; Hocking County.*

BUTLER COUNTY—
amendment of act of 1864, relative to building a bridge across the Great Miami river 194
commissioners of, may assist in building a bridge across the Great Miami river 201

BROWN COUNTY—
council of Higginsport authorized to borrow money to improve wharves and public landings 215

CABLE, JOSEPH—
act for relief of 203

CLARK TOWNSHIP, CLINTON COUNTY—
trustees of, authorized to levy a tax to pay bounties 197

CLERMONT COUNTY—
board of education of Batavia authorized to borrow money to pay teachers 197, 198
board of education of New Richmond union school authorized to levy tax to pay teachers 212
commissioners of, authorized to assist in building a bridge at Loveland 219

CLINTON COUNTY—
trustees of Clark township authorized to levy a tax to pay bounties 197
providing for relief of James Linton, late treasurer of 219

COLUMBUS—
authorized to levy a tax for sewerage purposes 215

COSHOCTON COUNTY—
trustees of Franklin township authorized to transfer certain funds 199

COURT-HOUSE—
commissioners of Jackson county authorized to build 195

DAMASCUS TOWNSHIP, HENRY COUNTY—
time of payment for school lands extended 200

DRAW-BRIDGE—
trustees of Jackson township, Muskingum county, authorized to levy tax to pay for opening and closing 212

FARMERS' COLLEGE—
trustees of, authorized to dispose of certain lands 211

FAYETTE COUNTY—
board of education of Washington, to borrow money for school purposes 202

FIRE-ENGINES—
city of Newark authorized to borrow money for purchase of 209
city of Tiffin authorized to purchase 222

FIRE-ENGINE COMPANY—
trustees of Storrs township authorized to levy tax for benefit of 211

FRANKLIN COUNTY—
commissioners of, authorized to levy tax for infirmary purposes 216

FRANKLIN TOWNSHIP, COSHOCTON COUNTY—
trustees of, authorized to transfer surplus railroad funds to common school fund 199

FREEDOM TOWNSHIP, HENRY COUNTY—
time extended for payment of school lands in 200

FUNDS—
authorizing transfer of certain belonging to Shelby county 196
trustees of Franklin township authorized to transfer certain 199

GARRISON, JOSEPH—
providing for relief of 217

GILEAD SIDE-CUT—
appropriation for completion of 203

GREENE COUNTY—
commissioners of, authorized to sell real estate 214

HAMILTON COUNTY—
commissioners of, authorized to make partial remuneration for the bridge across Big Miami river at Cleves 193
authorizing commissioners of, to build a bridge across White river, in White Water township 209
trustees of Farmers' College authorized to sell land 211
authorizing commissioners of, to build a bridge across Mill creek 213
commissioners authorized to assist in building a bridge at Loveland 219

HARRISON TOWNSHIP, HENRY COUNTY—
time of payment extended for school lands in .....

HARDIN COUNTY—
Relative to drainage of Hog Creek Marsh, in Washington township 210

HENRY COUNTY—
time extended for payment of school lands in certain townships in 200

HIGHLAND COUNTY—
village of Hillsboro authorized to levy tax to build a turnpike 216

HIGGINSPORT—
incorporated village of, in Brown county, may assess tax for improvement of wharves and public landings 215

HOCKING COUNTY—
town council of Logan authorized to erect market house, town hall, mayor's office, &c 220

HOG CREEK MARSH—
in Washington township, Hardin county, relating to drainage of .....

HOLMES COUNTY—
board of education of Millersburg authorized to borrow money for school purposes 199

INFIRMARY—
commissioners of Green county authorized to purchase land and erect an infirmary 214
commissioners of Franklin county authorized to levy tax for improvement of 216, 217

JACKSON COUNTY—
commissioners of authorized to build a court house 195

JACKSON TOWNSHIP, MUSKINGUM COUNTY—
trustees of may levy tax to pay for opening and closing a draw-bridge 212

JENNINGS TOWNSHIP, VAN WERT COUNTY—
providing for relief of treasurer of 205

LANDS. See *School Lands*.
Trustees of Farmers' College authorized to dispose of certain 211

LANDINGS—
improvement of in village of Higginsport, Brown county 215

LIBERTY TOWNSHIP, HENRY COUNTY—
time extended for payment of school lands in 200

LIMA—
incorporated village of, may tranfer certain funds 210

LINTON, JAMES—
Providing for relief of 213

LOGAN, HOCKING COUNTY—
authorized to borrow money to build town buildings 220

MANCHESTER TOWNSHIP, ADAMS COUNTY—
trustees allowed to issue bonds to construct and repair roads 198

MARKET HOUSE—
providing for building, in Logan, Hocking county 220

MARION TOWNSHIP, NOBLE COUNTY—
providing for the relief of treasurer of 202

MAYOR'S OFFICE—
providing for building in Logan, Hocking county 220

MEDINA COUNTY—
commissioners of authorized to pay reward to Jesse Seeley, late sheriff of said county 194, 195

McHENRY, SAMUEL V—
act for relief of 196

MIDDLETON TOWNSHIP, WOOD COUNTY—
providing for relief of treasurer of 206

MIAMI AND ERIE CANAL—
providing for completion of Gilead side-cut, on 203
board of public works authorized to build an aqueduct on, in Butler county 205

MILL CREEK—
commissioners of Hamilton county authorized to erect a bridge over 213

MILLERSBURG—
board of education of authorized to borrow money for school purposes 199

MONTGOMERY COUNTY—
commissioners of authorized to purchase the bridge across Miami river, at Dayton 192
commissioners of authorized to build a bridge at Dayton 221, 222

MUSKINGUM COUNTY—
trustees of Jackson township authorized to levy a tax to pay for attending a draw-bridge 212

NAPOLEON TOWNSHIP, HENRY COUNTY—
time extended for payment of school lands in 209

NEWARK—
council of authorized to borrow money to purchase fire engines 209

NEW RICHMOND UNION SCHOOL—
board of education authorized to borrow money to pay teachers 212

NOBLE COUNTY—
providing for relief of treasurer of Marion township 202
authorizing board of education of Olive township to raise money for school purposes 218

OLIVE TOWNSHIP, NOBLE COUNTY—
board of education of, authorized to borrow money for school purposes 218

PARKER, ALBERT—
providing for relief of sureties of 217

PLANK ROADS—
providing for the location and construction of free, in Scioto county 207, 208

PLEASANT TOWNSHIP, PUTNAM COUNTY—
providing for relief of treasurer of 196

PUTNAM COUNTY. See *Pleasant Township*.

REAL ESTATE—
commissioners of Green county authorized to sell certain, and provide for an infirmary and jail 214

RELIEF—
of Jessee Seeley, late sheriff of Medina county 194
of treasurer of Pleasant township, Putnam county 196
of Nathan L. Wharton, treasurer of Miami township, Noble county 202
of Joseph Cable 203
of Elijah Rigdon, late treasurer of Jenning's township, Van Wert county 205
of Amelius Robertson, treasurer of Middleton township, Wood county 206
of Moses Garrison and George Wickle 217
of James Linton, late treasurer of Vernon township, Clinton county 219

RIGDON, ELIJAH—
providing for relief of 205

ROBERTSON, AMELIUS—
providing for relief of 206

ROADS—
town council of Winchester, Adams county, authorized to levy tax for improvement of 220

ROSS COUNTY—
authorizing sale of certain school lands in Springfield township 220, 221

SCHOOLS—
board of education of Batavia authorized to borrow money to pay teachers 197, 198
providing for improving school houses, &c. in Toledo 200
board of education of Washington, Fayette county, authorized to borrow money and issue bonds for benefit of 202
board of education of new Richmond authorized to borrow money to pay teachers 212
board of education of Van Wert authorized to issue bonds for benefit of 213
board of education of Olive township, Noble county, authorized to raise money to build school houses 218

SCHOOL LANDS—
time of payment for, extended in certain townships in Henry county 200
providing for sale of in Springfield township, Ross county 220, 221

SCIOTO COUNTY—
providing for construction of free turnpikes in 207, 208

SEELEY, JESSE—
providing for relief of 194

SHELBY COUNTY—
commissioners of authorized to transfer a certain fund to the infirmary or court house fund 196
commissioners of, authorized to levy additional bridge tax 192, 193

SPRINGFIELD TOWNSHIP, ROSS COUNTY—
authorizing sale of school lands in 220, 221

STEAM FIRE ENGINE—
city of Tiffin authorized to purchase 222

STORRS TOWNSHIP FIRE COMPANY—
trustees authorized to levy tax for benefit of 211

TEACHERS—
board of education of Batavia authorized to borrow money for payment of .. 198
board of education of New Richmond Union School authorized to borrow money to pay 212

TIFFIN—
authorities of authorized to purchase steam fire engine 222

TOLEDO—
providing for improving and enlarging school houses in 200, 201

TOWN HALL—
May be built in Logan, Hocking county 220

TRANSFER—
of certain funds belonging to Shelby county 192
of " " to Franklin township, Coshocton county 196
of " " to Lima, Allen county 210

TREASURER OF STATE—
authorized to pay Joseph Cable balance of salary 203

TRUMBULL COUNTY—
commissioners of authorized to finish iron bridge at Warren 193

TURNPIKES—
providing for the location and construction of free, in Scioto county 207, 208
providing for construction of from Hillsboro to Locust Grove, Adams county 216

TUSCARAWAS COUNTY
commissioners of authorized to assess a tax to build a bridge across Tuscarawas river 198

VAN WERT—
board of education of village of authorized to borrow money for school purposes 213

VERNON TOWNSHIP, CLINTON COUNTY—
providing for relief of sureties of late treasurer of 217
providing for relief of James Linton, late treasurer of 210

WARREN—
providing for completion of iron bridge at 193

WARREN COUNTY—
commissioners of may levy special bridge tax 197
commissioners of authorized to assist in building a bridge at Loveland 219

WASHINGTON, FAYETTE COUNTY—
authorities of authorized to borrow money for school purposes 202

WASHINGTON TOWNSHIP, HARDIN COUNTY—
Relating to drainage of Hog Marsh, in 210

WHARTON, NATHAN L.—
providing for relief of 202

WHARF BOAT—
council of village of Higginsport, Brown county, authorized to build 215

WHITE WATER RIVER—
commissioners of Hamilton county authorized to erect a bridge across 209

WINCHESTER, ADAMS COUNTY—
village of authorized to borrow money for road purposes 220

WICKLE, GEORGE—
providing for relief of 217

ZANESVILLE—
authorized to renew the loan made to the town of, by the Zanesville Canal and Manufacturing Company 205

INDEX TO JOINT RESOLUTIONS.

PAGE.

ADJUTANT-GENERAL—
authorized to sell certain arms belonging to the state 239
room assigned to in state-house 242

ADJOURNMENT OF GENERAL ASSEMBLY—
relative to, from February 21 to February 27 234
" " April 6, 1866, to January 2, 1867 236

AGRICULTURAL REPORT—
providing for printing of for 1865 and 1866 229

ARMS—
Authorizing sale of certain belonging to state 239

ARMY—
relative to increase of regular, and appointment of officers 238

AUDITOR OF STATE—
directed to make certain inquiries of probate judges 230
directed to pay draft of W. W. Wythes, late superintendent of N. O. L. Asylum 230

BENEVOLENT INSTITUTIONS—
superintendents of be furnished with Swan and Critchfield's Statutes 223

BILLS—
list of pending to be printed 241

BOARD OF PUBLIC WORKS—
instructed to investigate claim of George Roe 233
" negotiate for purchase of bridge at Zanesville 234
authorized to grant right of way to Marietta and Cincinnati railroad through a certain piece of ground 236

BOND, COL. JOHN R.—
relative to restoration and honorable discharge of 241

BOOKS—
certain belonging to state library may be sold 243

BOUNTIES—
requesting congress to make certain provisions relative to 226

BRIDGE—
relative to purchase of, at Zanesville 234

CIGARS—
relating to excise on 232

CLAIMS—
appointment of committee to consider the claims growing out of the Morgan raid 227
of Jacob Young, private of 41st Regt. O. V. V. I., providing for payment of .. 232
of George Roe, providing for payment of 233

CLERKS OF GENERAL ASSEMBLY—
required to have list of pending bills printed 241

CLERK OF SENATE—
assigning room to, in state house 240

COIN. See *Gold Coin.*

COMMISSIONERS OF SINKING FUND—
authorized to sell balance of turnpike and railroad stock owned by the State 241, 242

DIGEST. See *Gholson and Okey's Digest.*

ENROLLMENT—
additional members added to committee on 240

ELECTION—
committee appointed to inform state officers of their election 225

EXCISE—
relative to, on cigars 232

EXEMPTIONS. See *Taxation.*

FENCE—
authorizing repairing of around state house 233

FINANCE COMMITTEE—
relative to meeting of, to arrange appropriation bill 226

GENERAL ASSEMBLY—
relative to organization of 223
" adoption of joint rules for government of 224
" forwarding certain reports to members of 240
" adjournment of 234, 236

GHOLSON AND OKEY'S DIGEST—
authorizing the purchase of a certain number of copies of for state 239

GOLD COIN—
treasurer of state authorized to sell 236

GOVERNOR—
committee appointed to inform him of organization of general assembly 223
relative to making preparation for inauguration of 224
committee appointed to inform him of his election 225
requested to forward resolutions to congress, relative to assumption of the war debt by the several states 228
requested to forward resolutions to congress, returning thanks to secretary of war and soldiers 230
requested to inform the friends of the seven soldiers hung by the rebels at Atlanta, of their final resting-place 231
requested to forward to congress resolutions relative to excise on cigars 232
requested to transmit to congress resolutions relative to increase of regular army 233
requested to transmit to congress resolutions relative to protection of American wools 235
requested to transmit to congress resolutions relative to taxation 243

GREAT SEAL OF STATE—
relative to procuring device for .....

INAUGURATION—
providing for making arrangements for, of governor 224

INSANE PERSONS—
probate judge to report number and condition of incurable in the several counties 230

INVESTIGATING COMMITTEES—
appointed to examine state departments 228

JOINT CONVENTION—
providing for meeting of to elect a United States senator 223
meeting of to count votes cast for state officers 224

LAND SCRIP—
providing for printing report of commissioners relative to sale of 225

LAND WARRANTS—
requesting congress to issue only to soldiers who have done service, or their heirs 226

LAWS—
relative to printing and distribution of 237
certain number of copies to be furnished to Cincinnati Law Library 238

LAW LIBRARY OF CINCINNATI—
laws to be furnished to 238

LIBRARY. See *State Library.*

LUNATICS. See *Insane Persons; Probate Judge.*

LUNATIC ASYLUMS. See *Northern Ohio Lunatic Asylum.*

MARIETTA AND CINCINNATI RAILROAD. See *Right of Way.*

MESSENGER BOYS—
relative to payment of 234

MILITIA—
instructing committee to report a bill relative to 235

MINISTERS OF THE GOSPEL. See *State Library.*

MORGAN RAID—
committee to examine certain claims growing out of 227

NIGHT-WATCH—
requiring information relative to at state treasury 225

NORTHERN OHIO LUNATIC ASYLUM—
trustees of, authorized to purchase two lots 243

OHIO STATE REPORTS—
relative to distribution to counties 238
See *Gholson* and *Okey's Digest.*

OHIO PENITENTIARY—
requiring certain information from directors and warden of 244

PENITENTIARY. See *Ohio Penitentiary.*

PRINTING—
providing for printing certain reports relative to sale of land scrip 225
" " Agricultural Report for 1865 and 1866 229
" " Report of Commissioner of Statistics 237
authorizing the printing of certain reports 238
" " of list of pending bills by clerks of General Assembly 241
providing for printing Report of Commissioner of Immigration and Auditor of State in German 242

PROBATE JUDGES—
requested to report relative to incurable insane 230

PUBLIC WORKS. See *Board of Public Works.*

PUBLIC SQUARE—
providing for repairing fence around 233

RAILROAD STOCKS—
authorizing sale of belonging to the State 242

REPORTS—
authorizing the printing of certain 238
relative to forwarding certain, to members of General Assembly 240

REGULAR ARMY—
relating to increase of, and appointment of officers in 233

RIGHT OF WAY—
relative to granting to Marietta and Cincinnati Railroad through a certain piece of ground 236

ROE, GEORGE—
providing for payment of claim of 233

RULES—
committee appointed to report joint, for government of General Assembly .. 226
adoption of joint, for government of General Assembly 224

SECRETARY OF STATE—
to furnish superintendents of benevolent institutions with Swan and Critchfield's Statutes 223

SECRETARY OF STATE—*Continued.*
requested to furnish the President of Senate with an abstract of all votes cast by soldiers in the field 224
required to have the laws printed and distributed 237
to distribute Ohio State Reports to counties 238
to deliver fifty copies of laws to Cincinnati Law Library 238
authorized to purchase Gholson and Okey's Digest 239
to forward certain reports to members of General Assembly 240

SECRETARY OF WAR—
resolutions of thanks to 229

SENATOR OF UNITED STATES—
relative to meeting of joint convention for election of 223

SINKING FUND. See *Commissioners of Sinking Fund.*

SOLDIERS—
requesting Congress to make certain provisions relative to bounties or land warrants to 226
tendering thanks to 227
relative to the removal of the remains of seven soldiers hung by the rebels at Atlanta 231

SOLDIER'S HOME—
appointment of joint committee to visit 227

STATE DEPARTMENTS—
appointment of committee to examine 228

STATE HOUSE—
providing for improving fence around 233
re-assigning certain rooms in 239
assigning room in to clerk of Senate 240
" " to Adjutant General 242

STATE LIBRARY—
free use of tendered to ministers of the gospel, of Columbus 237
providing for sale of certain books in 243

STATE REPORTS. See *Ohio State Reports.*

STATE TREASURER. See *Gold Coin, Treasurer of State*

STATE OFFICERS—
appointment of committee to inform them of their election 225

STANTON, EDWIN M—
resolution of thanks to 229

STOCKS. See *Turnpike Stocks; Railroad Stocks.*

SWAN AND CRITCHFIELD'S STATUTES—
to be furnished to superintendents of benevolent institutions 223

TAXATION—
requesting Congress to modify law, relative to exemptions from 243

THANKS—
tendered to soldiers of union army 227
" " " and Secretary of War 229

TREASURER OF STATE—
required to report relative to night watch at State treasury 225
authorized to sell the gold coin in the treasury 236

TURNPIKE STOCKS—
authorizing the sale of, belonging to State 241, 242

UNFINISHED BUSINESS. See *Bills; Clerks of General Assembly.*

VOTES—
relative to counting in joint convention 224
requiring Secretary of State to make abstract of all cast by soldiers in the field 224

WAR DEBT—
relative to assumption of, by the several States..... 228
WOOLS—
relative to the protection of American..... 235
WYTHES, W. W—
Auditor of State required to pay a draft on 230
YOUNG, JACOB—
providing for payment of claim of..... 232

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